

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

SENATE BILL 181

5 By: Senator K. Hammer
6

For An Act To Be Entitled

8 AN ACT TO MANDATE COVERAGE FOR USE OF INTRAVENOUS
9 IMMUNOGLOBULIN TO TREAT PEDIATRIC ACUTE-ONSET
10 NEUROPSYCHIATRIC SYNDROME OR PEDIATRIC AUTOIMMUNE
11 NEUROPSYCHIATRIC DISORDERS ASSOCIATED WITH
12 STREPTOCOCCAL INFECTION; TO DECLARE AN EMERGENCY; AND
13 FOR OTHER PURPOSES.
14

Subtitle

15 TO MANDATE COVERAGE FOR USE OF
16 INTRAVENOUS IMMUNOGLOBULIN TO TREAT
17 CERTAIN PEDIATRIC DISORDERS CAUSED BY
18 INFECTIONS; AND TO DECLARE AN EMERGENCY.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Effective January 1, 2024, Arkansas Code § 23-79-1903 is
26 repealed.

27 ~~23-79-1903. Arkansas PANS/PANDAS Advisory Council Creation~~
28 ~~Membership Duties.~~

29 ~~(a) There is created the Arkansas PANS/PANDAS Advisory Council to~~
30 ~~consist of the following members:~~

31 ~~(1) Two (2) members of the House of Representatives appointed by~~
32 ~~the Speaker of the House of Representatives;~~

33 ~~(2) Two (2) members of the Senate appointed by the President Pro~~
34 ~~Tempore of the Senate;~~

35 ~~(3) One (1) member who is a medical professional with two (2)~~
36 ~~years of professional experience working with PANS/PANDAS patients, appointed~~



1 ~~by the Governor;~~

2 ~~(4) One (1) member who is a medical professional with two (2)~~
 3 ~~years of professional experience working with PANS/PANDAS patients, appointed~~
 4 ~~by the council;~~

5 ~~(5) The Secretary of the Department of Health or his or her~~
 6 ~~designee, serving as an ex officio nonvoting member;~~

7 ~~(6) The Insurance Commissioner or his or her designee, serving~~
 8 ~~as an ex officio nonvoting member;~~

9 ~~(7) Three (3) members appointed by the Governor who are employed~~
 10 ~~by a public school district, one (1) member to be a public school nurse, one~~
 11 ~~(1) member to be a public school counselor, and one (1) member to be a public~~
 12 ~~school teacher;~~

13 ~~(8) One (1) member who is designated by the Arkansas Hospital~~
 14 ~~Association, Inc.;~~

15 ~~(9) One (1) member who is designated by the Arkansas State Board~~
 16 ~~of Nursing;~~

17 ~~(10) One (1) member who is designated by the Arkansas~~
 18 ~~Pharmacist's Association;~~

19 ~~(11) One (1) member who is designated by the American Academy of~~
 20 ~~Allergy, Asthma, and Immunology;~~

21 ~~(12) Two (2) members who are parents, appointed by the Governor;~~
 22 ~~and~~

23 ~~(13) One (1) member who is designated by the Arkansas Medical,~~
 24 ~~Dental, and Pharmaceutical Association, Inc.~~

25 ~~(b)(1) Upon appointment to the council, the initial members shall draw~~
 26 ~~lots to determine the length of their terms.~~

27 ~~(2) Appointments shall be for a term of four (4) years.~~

28 ~~(3) Vacancies on the council shall be filled in the same manner~~
 29 ~~as provided for the initial appointment.~~

30 ~~(4) The new appointee shall serve for the remainder of the~~
 31 ~~unexpired term.~~

32 ~~(c) Members shall serve at the pleasure of the organizations they~~
 33 ~~represent or of the Governor, as indicated.~~

34 ~~(d)(1) The President Pro Tempore of the Senate shall appoint the Chair~~
 35 ~~of the Arkansas PANS/PANDAS Advisory Council who shall be one (1) of the~~
 36 ~~legislative members of the council.~~

1 ~~(2) The Speaker of the House of Representatives shall appoint~~
2 ~~the Vice Chair of the Arkansas PANS/PANDAS Advisory Council who shall be one~~
3 ~~(1) of the legislative members of the council.~~

4 ~~(e)(1) A majority of the membership shall constitute a quorum.~~

5 ~~(2) A majority vote of those members present shall be required~~
6 ~~for any action of the council.~~

7 ~~(f)(1) The council shall meet as often as is deemed necessary by the~~
8 ~~chair.~~

9 ~~(2) The council shall meet at the State Capitol Building in~~
10 ~~Little Rock, Arkansas.~~

11 ~~(g) Legislators shall be paid per diem and mileage as authorized by~~
12 ~~law for attendance at meetings of interim committees of the General Assembly.~~

13 ~~(h)(1) The council shall receive staff support from the Bureau of~~
14 ~~Legislative Research.~~

15 ~~(2) The council shall receive assistance from the Children's~~
16 ~~Postinfectious Autoimmune Encephalopathy Center of Excellence at the~~
17 ~~University of Arizona Steele Children's Research Center with the preparation~~
18 ~~of any reports required by this subchapter.~~

19 ~~(i) The council may:~~

20 ~~(1) Make recommendations designed to improve and increase~~
21 ~~knowledge and develop mechanisms to increase clinical awareness and treatment~~
22 ~~throughout the state for pediatric acute-onset neuropsychiatric syndrome,~~
23 ~~also known as "PANS", and pediatric autoimmune neuropsychiatric disorders~~
24 ~~associated with streptococcal infections, also known as "PANDAS", especially~~
25 ~~for healthcare professionals;~~

26 ~~(2) Operate along with the interdisciplinary panel on~~
27 ~~PANS/PANDAS at the University of Arkansas for Medical Sciences to determine~~
28 ~~quarterly information, including case statistics, outcome measures, and other~~
29 ~~relevant information;~~

30 ~~(3) Make recommendations concerning standard practice guidelines~~
31 ~~for the diagnosis and treatment of PANS/PANDAS for adult and pediatric~~
32 ~~patients who have been diagnosed with PANS/PANDAS;~~

33 ~~(4) Provide outreach to educators and parents;~~

34 ~~(5) Develop a network of volunteer experts on PANS/PANDAS to~~
35 ~~serve as resources within this state; and~~

36 ~~(6) Consider any related topics associated with the council's~~

1 charge.

2 ~~(j)(1) The council shall report to the Senate Committee on Insurance~~
3 ~~and Commerce, the House Committee on Insurance and Commerce, the Senate~~
4 ~~Committee on Public Health, Welfare, and Labor, and the House Committee on~~
5 ~~Public Health, Welfare, and Labor, as requested.~~

6 ~~(2) The report described in subdivision (j)(1) of this section~~
7 ~~shall be submitted to the Legislative Council for final review.~~

8
9 SECTION 2. Arkansas Code § 23-79-1904 is repealed.

10 ~~23-79-1904. Sunset.~~

11 ~~This subchapter shall expire on December 31, 2023, unless extended by~~
12 ~~the General Assembly.~~

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14 SECTION 3. Arkansas Code § 23-79-1905, concerning off-label use of
15 intravenous immunoglobulin, is amended to add additional subsections to read
16 as follows:

17 (f)(1)(A) A health benefit plan that is offered, issued, or renewed in
18 this state shall provide coverage for the use of intravenous immunoglobulin,
19 to treat individuals diagnosed with pediatric acute-onset neuropsychiatric
20 syndrome or pediatric autoimmune neuropsychiatric disorders associated with
21 streptococcal infection, or both, on or after January 1, 2024, if the
22 patient’s primary care physician, in consultation with at least three (3)
23 other licensed physicians who practice in a pediatric subspecialty and who
24 have treated the patient, determine and agree that the treatment is
25 necessary.

26 (B) A primary care physician may continue to consult with
27 the Childhood Post-infectious Autoimmune Encephalopathy Center of Excellence.

28 (2) A pediatric subspecialty as described in subdivision
29 (f)(1)(A) of this section includes without limitation a licensed physician
30 who practices in an area of:

31 (A) Pediatric neurology;

32 (B) Neurology;

33 (C) Immunology;

34 (D) Rheumatology; or

35 (E) Any other infectious disease specialty.

36 (3) Upon approval by the United States Food and Drug

1 Administration of the use of intravenous immunoglobulin to treat individuals
2 diagnosed with pediatric acute-onset neuropsychiatric syndrome or pediatric
3 autoimmune neuropsychiatric disorders associated with streptococcal
4 infection, or both, the Insurance Commissioner, with consultation and upon
5 approval of the Arkansas State Medical Board and the Arkansas State Board of
6 Pharmacy, shall adopt by rule a written statewide protocol that provides
7 clarification that the consultation required under subdivision (f)(1) of this
8 section is no longer required for coverage under a health benefit plan.

9 (g) A primary care physician shall prescribe intravenous
10 immunoglobulin to treat individuals diagnosed with pediatric acute-onset
11 neuropsychiatric syndrome or pediatric autoimmune neuropsychiatric disorders
12 associated with streptococcal infection, or both, and shall report the data
13 to the Childhood Post-infectious Autoimmune Encephalopathy Center of
14 Excellence.

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16 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the
17 General Assembly of the State of Arkansas that certain children in this state
18 who are diagnosed with pediatric acute-onset neuropsychiatric syndrome or
19 pediatric autoimmune neuropsychiatric disorders associated with streptococcal
20 infection, or both, are receiving limited treatment options; that requiring
21 healthcare insurers to provide coverage of intravenous immunoglobulin, also
22 known as "IVIG", to treat individuals diagnosed with pediatric acute-onset
23 neuropsychiatric syndrome or pediatric autoimmune neuropsychiatric disorders
24 associated with streptococcal infection, or both, could alleviate some
25 symptoms; and that this act is immediately necessary to ensure that children
26 receive the greatest chance to be healthy and live productive lives.
27 Therefore, an emergency is declared to exist, and this act being immediately
28 necessary for the preservation of the public peace, health, and safety shall
29 become effective on:

30 (1) The date of its approval by the Governor;

31 (2) If the bill is neither approved nor vetoed by the Governor,
32 the expiration of the period of time during which the Governor may veto the
33 bill; or

34 (3) If the bill is vetoed by the Governor and the veto is
35 overridden, the date the last house overrides the veto.

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