

Hall of the House of Representatives

94th General Assembly - Regular Session, 2023

Amendment Form

Subtitle of House Bill No. 1271

TO AMEND THE PRIOR AUTHORIZATION TRANSPARENCY ACT; AND TO EXEMPT CERTAIN HEALTHCARE PROVIDERS THAT PROVIDE CERTAIN HEALTHCARE SERVICES FROM PRIOR AUTHORIZATION REQUIREMENTS.

Amendment No. 2 to House Bill 1271

Amend House Bill No. 1271 as engrossed H3/6/23 (version: 3/6/2023 9:40:19 AM):

Page 4, line 19, delete "June 30" and substitute "September 30"

AND

Page 7, delete lines 6 and 7, and substitute the following:

"basis of a retrospective review of a random sample of claims selected by the healthcare insurer during the most recent evaluation period described by §"

AND

Page 9, line 34, delete "exemption to" and substitute "exemption within twelve (12) months of receiving proper notice of rescission from a healthcare insurer to"

AND

Page 10, line 32, delete "overturned by" and substitute "overturned in a twelve-month period by"

AND

Page 11, line 31, delete "23-99-1120 based" and substitute "23-99-1120, including a healthcare service performed or supervised by another healthcare provider, if the healthcare provider who ordered the healthcare service received a prior authorization exemption based"

AND

Page 13, line 23, delete "reduce and eliminate" and substitute "reduce or eliminate"



AND

Page 13, delete line 28, and substitute the following:
"that the Arkansas Health and Opportunity for Me Program, without limiting the Arkansas Health and Opportunity for Me Program's application to any other"

AND

Page 13, line 29, delete "reduce and eliminate" and substitute "reduce or eliminate"

AND

Page 13, delete line 32, and substitute the following:
"23-99-1120 – 23-99-1126 and § 23-99-1128."

AND

Page 14, line 11, delete "Pharmacy may" and substitute "Pharmacy, in consultation with the Arkansas State Medical Board, may"

AND

Page 14, delete lines 23 through 26, and substitute the following:
"(c) The Arkansas State Board of Pharmacy shall require prior authorization for a prescription drug, medicine, biological product, pharmaceutical, or pharmaceutical service only if the prescription drug, medicine, biological product, pharmaceutical, or pharmaceutical service:"

AND

Page 14, delete lines 31 through 33, and substitute the following:
(5) Is used for cosmetic purposes;
(6) Is necessary to protect the public's health;
(7) Is harmful when combined with other drugs; or
(8) Has been market-approved by the United States Food and Drug Administration for less than twelve (12) months.
(d) The Arkansas State Board of Pharmacy shall make available to any person who requests it, a list of"

AND

Page 15, line 1, delete "board may" and substitute "Arkansas State Board of Pharmacy may"

AND

Page 15, delete line 2, and substitute the following:
"as a clinical consultant."

23-99-1129. Appeals process for disallowance of prior authorization.

(a) If the Arkansas State Board of Pharmacy, in consultation with the Arkansas State Medical Board, disallows a prior authorization of a prescription drug, medicine, biological product, pharmaceutical, or pharmaceutical service requested under § 23-99-1128, a healthcare insurer, pharmacy benefits manager, or other interested party may file an appeal to the State Insurance Department within ninety (90) days of the disallowance of the prior authorization.

(b) No later than the thirtieth day after the date a healthcare insurer, pharmacy benefits manager, or other interested party files an appeal under subsection (a) of this section, the Insurance Commissioner shall appoint an independent review organization to review the appeal.

(c) A healthcare insurer, pharmacy benefits manager, or other interested party that files an appeal under subsection (a) of this section shall pay for the independent review organization appointed under subsection (b) of this section to review the appeal.

(d) A healthcare insurer, pharmacy benefits manager, or other interested party is bound by the independent review organization's determination of the appeal under this section."

The Amendment was read _____

By: Representative L. Johnson
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Chief Clerk