



Arkansas Department of Health

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Governor Sarah Huckabee Sanders

Renee Mallory, RN, BSN, Secretary of Health

Jennifer Dillaha, MD, Director

December 29, 2023

VIA ELECTRONIC MAIL

Administrative Rules Subcommittee
Arkansas Legislative Council
Senator Kim Hammer, Co-Chair
Representative Brian Evans, Co-Chair
c/o Rebecca Miller-Rice
Bureau of Legislative Research
Email: miller-ricer@blr.arkansas.gov

Senator Hammer and Representative Evans,

As required by Arkansas Code Ann. § 25-15-216(c), we are writing you today to request an exemption from further reporting on Act 575 of 2023 for the Arkansas Department of Health, Division of Health-Related Boards and Commissions, Arkansas State Board of Pharmacy & Arkansas State Medical Board. This specific act does not require a rule to be promulgated and currently the Arkansas State Board of Pharmacy and the Arkansas State Medical Board have worked together on joint criteria and procedures to help determine whether specific medications may require prior authorization in Arkansas. During our respective meetings in early October, both Boards adopted criteria outlining the requirements for eligibility to apply for an exemption according to this act and have a plan in place for our 2024 review of requests as required by the statute. Our joint review of Act 575 of 2023 led to our determination that rule promulgation is not required for the act and this course of action is our best option to implement the requirements of the statute in a timely and efficient manner. At this time, our Boards are requesting the exclusion of Act 575 of 2023 from further reporting requirements.

*Act 575: This Act amends the Prior Authorization Transparency Act and exempts certain healthcare providers that provide certain healthcare services from prior authorization requirements. The Arkansas State Board of Pharmacy and the Arkansas State Medical Board, jointly, may establish criteria and procedures to review whether a request made under subdivision (a)(1) of the statute should be granted for the requesting party and specified health benefit plan. See Act 575, § 5. (Johnson, L., Rep.) [§ 23-99-1128(b)]

Sincerely,

A handwritten signature in blue ink that reads 'John Clay Kirtley'.

John Clay Kirtley, PharmD, FAPhA
Director, Arkansas State Board of Pharmacy

A handwritten signature in blue ink that reads 'Amy E. Embury'.

Amy Embry
Director, Arkansas State Medical Board