

Stricken language would be deleted from and underlined language would be added to present law.
Act 430 of the Regular Session

State of Arkansas

As Engrossed: H3/11/21

93rd General Assembly

A Bill

Regular Session, 2021

SENATE BILL 212

By: Senators K. Hammer, Irvin

By: Representatives Warren, Cloud

For An Act To Be Entitled

AN ACT TO CREATE THE ARKANSAS PANS/PANDAS ADVISORY
COUNCIL; TO DECLARE AN EMERGENCY; AND FOR OTHER
PURPOSES.

Subtitle

TO CREATE THE ARKANSAS PANS/PANDAS
ADVISORY COUNCIL; AND TO DECLARE AN
EMERGENCY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 23, Chapter 79, Subchapter 19, is
amended to add additional sections to read as follows:

23-79-1903. Arkansas PANS/PANDAS Advisory Council – Creation –
Membership – Duties.

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

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

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

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

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



1 by the council;

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

4 (6) The Insurance Commissioner or his or her designee, serving
5 as an ex officio nonvoting member;

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

10 (8) One (1) member who is designated by the Arkansas Hospital
11 Association, Inc.;

12 (9) One (1) member who is designated by the Arkansas State Board
13 of Nursing;

14 (10) One (1) member who is designated by the Arkansas
15 Pharmacist's Association;

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

18 (12) Two (2) members who are parents, appointed by the Governor;
19 and

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

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

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

25 (3) Vacancies on the council shall be filled in the same manner
26 as provided for the initial appointment.

27 (4) The new appointee shall serve for the remainder of the
28 unexpired term.

29 (c) Members shall serve at the pleasure of the organizations they
30 represent or of the Governor, as indicated.

31 (d)(1) The President Pro Tempore of the Senate shall appoint the Chair
32 of the Arkansas PANS/PANDAS Advisory Council who shall be one (1) of the
33 legislative members of the council.

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

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

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

4 (f)(1) The council shall meet as often as is deemed necessary by the
5 chair.

6 (2) The council shall meet at the State Capitol Building in
7 Little Rock, Arkansas.

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

10 (h)(1) The council shall receive staff support from the Bureau of
11 Legislative Research.

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

16 (i) The council may:

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

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

27 (3) Make recommendations concerning standard practice guidelines
28 for the diagnosis and treatment of PANS/PANDAS for adult and pediatric
29 patients who have been diagnosed with PANS/PANDAS;

30 (4) Provide outreach to educators and parents;

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

33 (6) Consider any related topics associated with the council's
34 charge.

35 (j)(1) The council shall report to the Senate Committee on Insurance
36 and Commerce, the House Committee on Insurance and Commerce, the Senate

1 Committee on Public Health, Welfare, and Labor, and the House Committee on
2 Public Health, Welfare, and Labor, as requested.

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

5
6 23-79-1904. Sunset.

7 This subchapter shall expire on December 31, 2023, unless extended by
8 the General Assembly.

9
10 SECTION 2. TEMPORARY LANGUAGE. DO NOT CODIFY. Arkansas PANS/PANDAS
11 Advisory Council – Appointment of members.

12 The members of the Arkansas PANS/PANDAS Advisory Council shall be
13 appointed by May 1, 2021.

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15 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
16 General Assembly of the State of Arkansas that pediatric acute-onset
17 neuropsychiatric syndrome, also known as "PANS", and pediatric autoimmune
18 neuropsychiatric disorders associated with streptococcal infections, also
19 known as "PANDAS", are misunderstood disorders that affect pediatric and
20 adult patients in Arkansas, and the Arkansas PANS/PANDAS Advisory Council has
21 been working to inform healthcare providers and healthcare insurers about
22 options available to treat PANS and PANDAS, but members of the Arkansas
23 PANS/PANDAS Advisory Council have been limited in their work by the fear of
24 exposure to coronavirus disease 2019 (COVID-19), severe acute respiratory
25 syndrome coronavirus 2 (SARS-CoV-2), or mutations of either of those
26 respective viruses; that numerous healthcare providers and healthcare
27 insurers do not have sufficient knowledge about PANS and PANDAS to adequately
28 respond to requests for treatment and coverage, and due to the effects of
29 coronavirus disease 2019 (COVID-19) and severe acute respiratory syndrome
30 coronavirus 2 (SARS-CoV-2), or mutations of either of those respective
31 viruses, on the people of this state, the Arkansas PANS/PANDAS Advisory
32 Council has ongoing projects that need immediate attention; that the Arkansas
33 PANS/PANDAS Advisory Council expired December 31, 2020; and that this act is
34 immediately necessary to allow the Arkansas PANS/PANDAS Advisory Council to
35 continue to provide education to healthcare providers and healthcare insurers
36 about the treatment and impact of PANS/PANDAS on patients and their families.

1 Therefore, an emergency is declared to exist, and this act being immediately
2 necessary for the preservation of the public peace, health, and safety shall
3 become effective on:

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

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

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

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11 */s/K. Hammer*
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14 **APPROVED: 3/24/21**
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State of Arkansas

As Engrossed: S3/9/21

93rd General Assembly

A Bill

Regular Session, 2021

SENATE BILL 387

By: Senators K. Hammer, Irvin

By: Representatives Warren, Cloud

For An Act To Be Entitled

AN ACT TO AUTHORIZE OFF-LABEL USE OF DRUG TREATMENTS
TO TREAT MEDICAID BENEFICIARIES DIAGNOSED WITH
PEDIATRIC ACUTE-ONSET NEUROPSYCHIATRIC SYNDROME AND
PEDIATRIC AUTOIMMUNE NEUROPSYCHIATRIC DISORDERS
ASSOCIATED WITH STREPTOCOCCAL INFECTION; AND FOR
OTHER PURPOSES.

Subtitle

TO AUTHORIZE OFF-LABEL USE OF DRUG
TREATMENTS TO TREAT MEDICAID
BENEFICIARIES WITH PEDIATRIC ACUTE-ONSET
NEUROPSYCHIATRIC SYNDROME AND PEDIATRIC
AUTOIMMUNE NEUROPSYCHIATRIC DISORDERS
ASSOCIATED WITH STREPTOCOCCAL INFECTION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 20, Chapter 77, Subchapter 1, is
amended to add an additional section to read as follows:

20-77-140. Off-label use of drug treatment to treat pediatric acute-onset neuropsychiatric syndrome and pediatric autoimmune neuropsychiatric disorders associated with streptococcal infection.

(a) The General Assembly finds that:

(1) Pediatric acute-onset neuropsychiatric syndrome, also known as "PANS", is a clinically defined disorder characterized by the sudden onset of obsessive-compulsive symptoms or eating restrictions, accompanied by two



1 (2) or more symptoms of acute behavioral deterioration or motor and sensory
2 changes, or both;

3 (2) Pediatric autoimmune neuropsychiatric disorders associated
4 with streptococcal infections, also known as "PANDAS", is a term used to
5 describe a subset of symptoms affecting children and adolescents within the
6 broader PANS classification;

7 (3) Other state Medicaid programs provide coverage for off-label
8 use of drug treatments to treat pediatric acute-onset neuropsychiatric
9 syndrome and pediatric autoimmune neuropsychiatric disorders associated with
10 streptococcal infections; and

11 (4) However, the Arkansas Medicaid Program does not provide
12 coverage for off-label use of drug treatments, to treat Medicaid
13 beneficiaries who are diagnosed with pediatric acute-onset neuropsychiatric
14 syndrome and pediatric autoimmune neuropsychiatric disorders associated with
15 streptococcal infections.

16 (b) The Arkansas Medicaid Program shall provide coverage for off-label
17 use of drug treatments, including without limitation intravenous
18 immunoglobulin, also known as "IVIG", to treat Medicaid beneficiaries who are
19 diagnosed with pediatric acute-onset neuropsychiatric syndrome or pediatric
20 autoimmune neuropsychiatric disorders associated with streptococcal
21 infections, or both, under a treatment plan established by the Postinfectious
22 Autoimmune Encephalopathy Center of Excellence clinic in Arkansas.

23 (c) The Department of Human Services shall apply for any federal
24 waiver, state plan amendment, or other authorization necessary to implement
25 this section.

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27 */s/K. Hammer*
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30 **APPROVED: 4/12/21**
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State of Arkansas *As Engrossed: S4/15/21 H4/21/21*
93rd General Assembly **A Bill**
Regular Session, 2021

SENATE BILL 639

By: Senator K. Hammer
By: Representative Cloud

For An Act To Be Entitled

AN ACT TO AUTHORIZE OFF-LABEL USE OF DRUG TREATMENTS
TO TREAT PATIENTS DIAGNOSED WITH PEDIATRIC ACUTE-
ONSET NEUROPSYCHIATRIC SYNDROME AND PEDIATRIC
AUTOIMMUNE NEUROPSYCHIATRIC DISORDERS ASSOCIATED WITH
STREPTOCOCCAL INFECTION; AND FOR OTHER PURPOSES.

Subtitle

TO AUTHORIZE OFF-LABEL USE OF DRUG
TREATMENTS TO TREAT PATIENTS DIAGNOSED
WITH PEDIATRIC ACUTE-ONSET
NEUROPSYCHIATRIC SYNDROME AND PEDIATRIC
AUTOIMMUNE NEUROPSYCHIATRIC DISORDERS
ASSOCIATED WITH STREPTOCOCCAL INFECTION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 23, Chapter 79, Subchapter 19, is
amended to add an additional section to read as follows:

23-79-1903. Off-label use of drug treatment to treat pediatric acute-
onset neuropsychiatric syndrome and pediatric autoimmune neuropsychiatric
disorders associated with streptococcal infection – Legislative findings –
Definitions.

(a) The General Assembly finds that:

(1) Pediatric acute-onset neuropsychiatric syndrome, also known
as "PANS", is a clinically defined disorder characterized by the sudden onset
of obsessive-compulsive symptoms or eating restrictions, accompanied by two



1 (2) or more symptoms of acute behavioral deterioration or motor and sensory
2 changes, or both;

3 (2) Pediatric autoimmune neuropsychiatric disorders associated
4 with streptococcal infection, also known as "PANDAS", is a term used to
5 describe a subset of symptoms affecting children and adolescents within the
6 broader PANS classification;

7 (3) Other states may require coverage for off-label use of drug
8 treatments to treat pediatric acute-onset neuropsychiatric syndrome and
9 pediatric autoimmune neuropsychiatric disorders associated with streptococcal
10 infection; and

11 (4) Arkansas does not require coverage for off-label use of drug
12 treatments to treat patients who are diagnosed with pediatric acute-onset
13 neuropsychiatric syndrome and pediatric autoimmune neuropsychiatric disorders
14 associated with streptococcal infections.

15 (b) As used in this section:

16 (1)(A) "Health benefit plan" means an individual, blanket, or
17 any group plan, policy, or contract for healthcare services issued, renewed,
18 or extended in this state by a healthcare insurer, health maintenance
19 organization, hospital medical service corporation, or self-insured
20 governmental or church plan in this state.

21 (B) "Health benefit plan" includes:

22 (i) A plan offered by a risk-based provider
23 organization as established under the Medicaid Provider-Led Organized Care
24 Act, § 20-77-2701 et seq.;

25 (ii) Indemnity and managed care plans; and

26 (iii) Plans providing health benefits to state and
27 public school employees under § 21-5-401 et seq.

28 (C) "Health benefit plan" does not include:

29 (i) A plan that provides only dental benefits or eye
30 and vision care benefits;

31 (ii) A disability income plan;

32 (iii) A credit insurance plan;

33 (iv) Insurance coverage issued as a supplement to
34 liability insurance;

35 (v) Medical payments under an automobile or
36 homeowners' insurance plan;

1 (vi) A health benefit plan provided under Arkansas
2 Constitution, Article 5, § 32, the Workers' Compensation Law, § 11-9-101 et
3 seq., and the Public Employee Workers' Compensation Act, § 21-5-601 et seq.;

4 (vii) A plan that provides only indemnity for
5 hospital confinement;

6 (viii) An accident-only plan; or

7 (ix) A specified disease plan; and

8 (2)(A) "Healthcare insurer" means any insurance company,
9 hospital and medical service corporation, or health maintenance organization
10 that issues or delivers health benefit plans in this state and is subject to
11 any of the following laws:

12 (i) The insurance laws of this state;

13 (ii) Section 23-75-101 et seq., pertaining to
14 hospital and medical service corporations;

15 (iii) Section 23-76-101 et seq., pertaining to
16 health maintenance organizations; or

17 (iv) A risk-based provider organization established
18 under the Medicaid Provider-Led Organized Care Act, § 20-77-2701 et seq.

19 (B) "Healthcare insurer" does not include an entity that
20 provides only dental benefits or eye and vision care benefits.

21 (c) A health benefit plan that is offered, issued, or renewed in this
22 state, including a plan offered by a risk-based provider organization
23 established under the Medicaid Provider-Led Organized Care Act, § 20-77-2701
24 et seq., shall provide coverage for off-label use of intravenous
25 immunoglobulin, also known as "IVIG", to treat individuals diagnosed with
26 pediatric acute-onset neuropsychiatric syndrome and pediatric autoimmune
27 neuropsychiatric disorders associated with streptococcal infection, or both,
28 on or after January 1, 2022, under a patient-specific treatment plan
29 established by the Childhood Post-infectious Autoimmune Encephalopathy Clinic
30 established by the University of Arkansas for Medical Sciences in
31 collaboration with Arkansas Children's Hospital.

32 (d) The coverage for off-label use of drug treatment to treat
33 pediatric acute-onset neuropsychiatric syndrome and pediatric autoimmune
34 neuropsychiatric disorders associated with streptococcal infection under this
35 section:

36 (1) May be subject to policy deductions or copayment

1 requirements and any standard prior authorization review of a healthcare
2 insurer or a health benefit plan; and

3 (2) Does not diminish or limit benefits otherwise allowable
4 under a health benefit plan.

5 (e) The Insurance Commissioner shall develop and promulgate rules for
6 the implementation and administration of this section.

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8 /s/K. Hammer

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11 APPROVED: 4/29/21
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