

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005  
4

# A Bill

HOUSE BILL 2867

5 By: Representative Goss  
6  
7

## For An Act To Be Entitled

9 AN ACT TO PROHIBIT THE STATE MEDICAID PROGRAM  
10 FROM REQUIRING BENEFICIARIES TO FAIL FIRST ON ANY  
11 DRUG ON THE PREFERRED DRUG LIST BEFORE PROVIDING  
12 PRIOR AUTHORIZATION TO TREAT ASTHMA ATTACKS OR  
13 OTHER RESPIRATORY FAILURE; AND FOR OTHER  
14 PURPOSES.  
15

## Subtitle

16 AN ACT TO PROHIBIT THE MEDICAID PROGRAM  
17 FROM LIMITING ACCESS TO MEDICATION TO  
18 TREAT ASTHMA ATTACKS OR OTHER  
19 RESPIRATORY FAILURE.  
20  
21  
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. Arkansas Code Title 20, Chapter 77, Subchapter 1 is amended  
26 to add an additional section to read as follows:

27 20-77-121. Drugs for asthma and other respiratory diseases.

28 (a) As used in this section, "fail-first policy" means a policy that  
29 requires a person to:

30 (1) Take an older, less effective drug and;

31 (2) Receive authorization for a newer, more effective drug only  
32 after failing to respond using the older, less effective drug.

33 (b) The state Medicaid program may not require a fail-first policy in  
34 any manner on any drug on the preferred drug list before providing prior  
35 authorization to treat the emergency medical condition of acute respiratory  
36 bronchospasms, that is, an asthma attack, or any other respiratory failure.

