

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 87th General Assembly  
3 Regular Session, 2009

# A Bill

HOUSE BILL 1031

4  
5 By: Representatives Allen, Williams, Pennartz, George, Abernathy, T. Baker, Betts, Blount, T. Bradford,  
6 Breedlove, Cheatham, Cole, Cook, Cooper, L. Cowling, Davenport, Davis, Dunn, Everett, Gaskill,  
7 Glidewell, R. Green, Hall, Hardy, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Kidd, W. Lewellen,  
8 Lovell, Moore, Nickels, Nix, Overbey, Patterson, Pierce, Powers, Rainey, Reynolds, Sample, Saunders,  
9 Shelby, Stewart, Tyler, Wagner, Webb, Wells, B. Wilkins, Word  
10 By: Senator H. Wilkins

## For An Act To Be Entitled

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12  
13 AN ACT TO REQUIRE HEALTH BENEFIT PLANS TO PROVIDE  
14 PROSTATE CANCER SCREENING FOR MEN FORTY (40)  
15 YEARS OF AGE AND OVER; AND FOR OTHER PURPOSES.  
16

## Subtitle

17  
18 AN ACT TO REQUIRE HEALTH BENEFIT PLANS  
19 TO PROVIDE PROSTATE CANCER SCREENING FOR  
20 MEN FORTY (40) YEARS OF AGE AND OVER.  
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23  
24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

25  
26 SECTION 1. Arkansas Code Title 23, Chapter 79 is amended to add an  
27 additional subchapter to read as follows:

28 23-79-1301. Findings.

29 The General Assembly finds that:

30 (1) Prostate cancer is the second leading cause of cancer in  
31 men;

32 (2) In Arkansas, more men die from prostate cancer than women  
33 die of breast cancer, the tenth highest death rate in the nation;

34 (3) Even though the death rate for prostate cancer has decreased  
35 in Arkansas, there has been a fifty-five percent (55%) increase in premature  
36 death before age sixty-five;



1           (4) Arkansas's African-American men are fifty-five percent (55%)  
 2 more likely to develop prostate cancer and one hundred seventy-six percent  
 3 (176%) more likely to die from prostate cancer than Arkansas's Caucasian men;

4           (5) The Arkansas Central Cancer Registry data indicates that  
 5 there has been a steady increase in the number of new cases of prostate  
 6 cancer and a steady decrease in deaths from prostate cancer in Arkansas since  
 7 1999, indicating that there have been improvements in discovering prostate  
 8 cancer before symptoms appear;

9           (6) Studies have found that men between fifty (50) years of age  
 10 and sixty (60) years of age who were diagnosed with prostate cancer were  
 11 sixty percent (60%) more likely to suffer premature death than those men who  
 12 were diagnosed at an earlier age;

13           (7) Identifying the characteristics of high-risk men and  
 14 fostering early diagnosis and appropriate treatment could:

15                   (A) Prevent premature deaths;

16                   (B) Decrease:

17                           (i) Adverse effects and death from prostate cancer,  
 18 particularly in the underserved populations;

19                           (ii) Health disparities; and

20                           (iii) Prostate cancer treatment costs through  
 21 diagnosis at an earlier stage; and

22                   (C) Improve and extend quality of life; and

23           (8) The cost of treatment per man for:

24                   (A) Early-stage prostate cancer is fifty-eight thousand  
 25 dollars (\$58,000); and

26                   (B) Late-stage prostate cancer is more than ninety-three  
 27 thousand dollars (\$93,000).

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 29           23-79-1302. Definitions.

30           As used in this subchapter:

31                   (1)(A) "Health benefit plan" means an individual, blanket, or  
 32 group plan, policy, or contract for health care services issued or delivered  
 33 by a health care insurer in this state.

34                   (B) "Health benefit plan" includes:

35                           (i) Indemnity and managed care plans; and

36                           (ii) Governmental plans as defined in 29 U.S.C. §

1 1002(32), as it existed on January 1, 2009.

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

3 (i) Accidental injury insurance plans;

4 (ii) Dental insurance plans;

5 (iii) Vision insurance plans;

6 (iv) Specified disease insurance plans;

7 (v) Disability income plans;

8 (vi) Credit insurance plans;

9 (vii) Insurance coverage issued as a supplement to  
 10 liability insurance;

11 (viii) Medical payments under automobile or  
 12 homeowners' insurance plans;

13 (ix) Health benefit plans provided under Arkansas  
 14 Constitution, Article 5, § 32, the Workers' Compensation Law, § 11-9-101 et  
 15 seq., and the Public Employee Workers' Compensation Act, § 21-5-601 et seq.;

16 (x) Insurance under which benefits are payable with  
 17 or without regard to fault and the benefits that are statutorily required to  
 18 be contained in any liability policy or equivalent self-insurance; and

19 (xi) Plans that provide only indemnity for hospital  
 20 confinement;

21 (2) "National Comprehensive Cancer Network" means:

22 (A) A not-for-profit alliance of twenty-one (21) of the  
 23 world's leading cancer centers dedicated to improving the quality and  
 24 effectiveness of care provided to patients with cancer; and

25 (B) With the primary goal of improving the quality,  
 26 effectiveness, and efficiency of oncology practice so that patients may live  
 27 better lives; and

28 (3) "Premature death" means a death that occurs before sixty-  
 29 five (65) years of age.

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 31 23-79-1303. Coverage for prostate cancer screening required.

32 (a)(1) A health benefit plan that is offered, issued, or renewed in  
 33 this state on or after January 1, 2010, and that provides coverage to men  
 34 forty (40) years of age or older in this state shall provide coverage for  
 35 screening for the early detection of prostate cancer in men forty (40) years  
 36 of age and older according to the National Comprehensive Cancer Network

1 guidelines, as in effect on January 1, 2009.

2 (2) The coverage for prostate cancer screening required under  
3 subdivision (a)(1) of this section:

4 (A) Is not subject to policy deductibles; and

5 (B) Shall not exceed the actual cost of the prostate  
6 cancer screening up to the maximum allowable cost per screening.

7 (b) The coverage for prostate cancer screening required under  
8 subsection (a) of this section shall be offered as follows:

9 (1) The prostate cancer screening shall:

10 (A) Be performed by a qualified medical professional,  
11 including without limitation:

12 (i) A urologist;

13 (ii) An internist;

14 (iii) A general practitioner;

15 (iv) A doctor of osteopathy;

16 (v) A nurse practitioner; and

17 (vi) A physician assistant; and

18 (B) Consist, at a minimum, of the following tests:

19 (i) A prostate-specific antigen blood test; and

20 (ii) A digital rectal examination; and

21 (2) The coverage shall provide at least one (1) screening per  
22 year for any man forty (40) years of age or older according to the National  
23 Comprehensive Cancer Network guidelines, as in effect on January 1, 2009.

24 (c) The coverage for prostate cancer screening required under  
25 subsection (a) of this section does not diminish or limit diagnostic benefits  
26 otherwise allowable under a health benefit plan.

27 (d) If a medical practitioner recommends that an insured, a  
28 subscriber, or an enrollee undergo a prostate specific antigen blood test,  
29 coverage may not be denied on the ground that the insured, subscriber, or  
30 enrollee has already had a digital rectal examination and the examination  
31 result was negative.

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