

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

# A Bill

SENATE BILL 916

5 By: Senator J. Woods  
6 By: Representative Harris  
7

## For An Act To Be Entitled

9 AN ACT TO ENSURE THAT VULNERABLE CITIZENS RECEIVE  
10 MEDICATIONS NECESSARY FOR THE TREATMENT OF LIFE-  
11 ALTERING ILLNESS AND FOR SUSTAINING A PRODUCTIVE  
12 QUALITY OF LIFE; TO CREATE THE CONTINUITY OF CARE ACT  
13 OF 2013; AND FOR OTHER PURPOSES.  
14  
15

## Subtitle

16 TO ENSURE THAT VULNERABLE CITIZENS  
17 RECEIVE MEDICATIONS FOR LIFE-ALTERING  
18 ILLNESS; AND TO CREATE THE CONTINUITY OF  
19 CARE ACT OF 2013.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
24

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

27 Subchapter 15 – Continuity of Care Act of 2013  
28

29 23-79-1501. Title.

30 This subchapter shall be known and may be cited as the “Continuity of  
31 Care Act of 2013”.  
32

33 23-79-1502. Definitions.

34 As used in this subchapter:

35 (1) "Drug formulary" means a list of drugs:

36 (A) For which a health benefit plan provides coverage;



1                   (B) For which a health benefit plan approves payment; or  
 2                   (C) That a health benefit plan encourages physicians to  
 3 prescribe or offers incentives for physicians to prescribe;

4                   (2) "Health benefit plan" means the same as defined in § 23-99-  
 5 503; and

6                   (3) "Prescription drug" means the same as defined in § 17-92-  
 7 1102.

8  
 9                   23-79-1503. Prescription drug formularies.

10                  A health benefit plan that covers prescription drugs and uses one (1)  
 11 or more drug formularies to specify the prescription drugs covered under the  
 12 health benefit plan shall provide in plain language in the coverage  
 13 documentation provided to each enrollee information necessary for a  
 14 comprehensive understanding of the structure and scope of the drug formulary  
 15 plan.

16  
 17                  23-79-1504. Modifications of prescription drug coverage.

18                  A health benefit plan may modify drug coverage provided under a health  
 19 benefit plan if:

20                   (1) The modification occurs at the time of coverage renewal;

21                   (2) The modification is effective uniformly among all group  
 22 health benefit plan sponsors covered by identical or substantially identical  
 23 health benefit plans or all individuals covered by identical or substantially  
 24 identical individual health benefit plans, as applicable; and

25                   (3) No later than sixty (60) days before the date the  
 26 modification is effective, the health benefit plan provides written notice of  
 27 the modification to each affected individual, agency, and health insurer.

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 29                  23-79-1505. Continuity of prescription drug coverage.

30                  (a) A health benefit plan that covers prescription drugs shall offer  
 31 continuous coverage to each enrollee until the health benefit plan renewal  
 32 date for a prescription drug that was approved or covered under the health  
 33 benefit plan for a medical condition or mental illness, regardless of whether  
 34 the prescription drug has been removed from the health benefit plan's  
 35 prescription drug formulary before the health benefit plan renewal date.

36                  (b) A physician or other health professional authorized to prescribe a

1 prescription drug may prescribe a prescription drug that is an alternative to  
2 a prescription drug for which continuation of coverage is required under  
3 subsection (a) of this section if the alternative prescription drug is:

- 4 (1) Covered under the health benefit plan; and
- 5 (2) Medically appropriate for the enrollee.

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7 23-79-1506. Appeals.

8 A health benefit plan shall ensure that an enrollee has an opportunity  
9 to appeal a decision regarding a drug formulary that conflicts with the  
10 prescription decision of a physician or other health professional authorized  
11 to prescribe a prescription drug.