

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

SENATE BILL 316

5 By: Senator Irvin
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For An Act To Be Entitled

8 AN ACT TO REGULATE THE PRIOR AUTHORIZATION PROCEDURE
9 FOR TREATMENT OF A TERMINAL ILLNESS UNDER CERTAIN
10 CONDITIONS; AND FOR OTHER PURPOSES.
11

Subtitle

12 TO REGULATE THE PRIOR AUTHORIZATION
13 PROCEDURE FOR TREATMENT OF A TERMINAL
14 ILLNESS UNDER CERTAIN CONDITIONS.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code Title 23, Chapter 86, Subchapter 1, is
22 amended to add an additional section to read as follows:

23 23-86-123. Coverage for prescription pain medication – Prior
24 authorization not required for persons with terminal illness.

25 (a) As used in this section:

26 (1) "Covered person" means a person on whose behalf a health
27 carrier offering coverage is obligated to pay benefits or provide services;

28 (2)(A) "Health carrier" means an entity that provides benefits
29 or services or that contracts or offers to contract to provide health
30 insurance coverage and is subject to the insurance laws of this state or the
31 jurisdiction of the Insurance Commissioner.

32 (B) "Health carrier" includes an insurance company, a
33 health maintenance organization, a hospital medical service corporation, a
34 disability insurance company, or a self-insured governmental or church plan
35 and a third-party administrator that administers or adjusts disability
36 benefits for a disability insurer, hospital medical service corporation,



1 health maintenance organization, self-insured governmental plan, or self-
2 insured church plan.

3 (C) "Health carrier" does not include:

4 (i) An automobile insurer paying medical or hospital
5 benefits under § 23-89-202(1); or

6 (ii) A person, company, or organization that issues
7 or is licensed or registered to issue any insurance policy or insurance
8 contract in this state as described in §§ 23-62-102 and 23-62-104 – 23-62-107
9 providing medical or hospital benefits for an accidental injury or
10 disability;

11 (3) "Prior authorization" means the process by which a health
12 carrier determines the medical necessity or medical appropriateness, or both,
13 of a covered healthcare service before a covered person receives the covered
14 healthcare service in order to provide coverage and reimbursement for the
15 healthcare service; and

16 (4) "Terminal illness" means an illness, a progressive disease,
17 or an advanced disease state from which:

18 (A) There is no expectation of recovery; and

19 (B) Death as a result of the illness or disease is
20 reasonably expected within six (6) months.

21 (b) A health carrier shall not require a covered person to obtain
22 prior authorization for coverage and reimbursement of any medication
23 prescribed as treatment for pain and suffering from a terminal illness if the
24 covered person has been diagnosed with a terminal illness.

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