

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

*As Engrossed: H3/2/17*

# A Bill

HOUSE BILL 1592

5 By: Representatives Leding, Murdock, Jett, D. Ferguson, G. Hodges, Lundstrum, McCollum, Richey, D.  
6 Whitaker, Vaught  
7 By: Senators Standridge, Elliott, S. Flowers, Teague  
8

## For An Act To Be Entitled

10 AN ACT TO PROVIDE PARITY IN HEALTH BENEFIT PLAN  
11 COVERAGE BETWEEN ORALLY ADMINISTERED ANTICANCER  
12 MEDICATION AND INTRAVENOUSLY ADMINISTERED ANTICANCER  
13 MEDICATION; AND FOR OTHER PURPOSES.  
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## Subtitle

16 TO PROVIDE PARITY IN HEALTH BENEFIT PLAN  
17 COVERAGE BETWEEN ORALLY ADMINISTERED  
18 ANTICANCER MEDICATION AND INTRAVENOUSLY  
19 ADMINISTERED ANTICANCER MEDICATION.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 *SECTION 1. Effective January 1, 2018, Arkansas Code Title 23, Chapter*  
26 *79, Subchapter 1, is amended to add an additional section to read as follows:*

27 23-79-161. Payment for oral anticancer medications – Definitions.

28 (a) As used in this section:

29 (1) "Anticancer medication" means any drug or biologic that is  
30 used to kill, slow, or prevent the growth of cancerous cells;

31 (2)(A) "Health benefit plan" means any group or blanket plan,  
32 policy, or contract for healthcare services issued, renewed, or extended in  
33 this state and outside this state for an enrollee or certificate holder who  
34 is a resident of this state by healthcare insurers, including indemnity and  
35 managed care plans and the plans providing health benefits to state and  
36 public school employees under § 21-5-401 et seq., but excluding individual



1 major medical plans and plans providing healthcare services 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 (B) "Health benefit plan" does not include an accident-  
5 only, specified disease, hospital indemnity, Medicare supplement, long-term  
6 care, disability income, or other limited benefit health insurance policy;  
7 and

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

12 (A) The insurance laws of this state;

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

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

17 (b) Every health benefit plan that is issued, renewed, or extended in  
18 this state and every group health benefit plan that is issued, renewed, or  
19 extended outside this state, for an enrollee or certificate holder who is a  
20 resident of this state that provide coverage for anticancer medications that  
21 are injected or intravenously administered by a healthcare provider or a  
22 patient shall not require a higher copayment, coinsurance, or deductible  
23 amount for orally administered anticancer medications than the health benefit  
24 plan requires for injected or intravenously administered anticancer  
25 medications regardless of the formulation or benefit category determination  
26 by the health benefit plan.

27 (c)(1) A healthcare insurer shall not impose a copayment, coinsurance,  
28 or a deductible amount or a combination of a copayment, coinsurance, or a  
29 deductible amount charged to the insured for orally administered anticancer  
30 medications that is greater than the copayment, coinsurance, or deductible  
31 amount charged to the insured for injected or intravenously administered  
32 anticancer medications.

33 (2) A healthcare insurer shall not reclassify benefits with  
34 respect to cancer treatment medications or increase a copayment, deductible,  
35 or coinsurance amount for covered cancer treatment medications that are  
36 injected or intravenously administered unless:

1 (A) The increase is applied generally to other medical or  
2 pharmaceutical benefits covered under the plan and is not done to circumvent  
3 subdivision (c)(1) of this section;

4 (B) The reclassification of benefits with respect to  
5 cancer treatment medications is done in a manner that is consistent with this  
6 section; or

7 (C) A healthcare insurer is applying cost-sharing  
8 increases consistent with the annual increases in the cost of health care.

9 (d)(1) A health benefit plan may adopt policies to ensure that claims  
10 for coverage of orally administered anticancer medications submitted for  
11 payment comply with the same coding, documentation, and other requirements  
12 necessary for payment as those claims for coverage of injected or  
13 intravenously administered anticancer medications.

14 (2) The commissioner shall promulgate rules as may be necessary  
15 to implement this section.

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