

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1656

5 By: Representative D. Ferguson
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE PRIOR AUTHORIZATION TRANSPARENCY
9 ACT; TO PROHIBIT PRIOR AUTHORIZATION FOR MEDICATION-
10 ASSISTED TREATMENT; TO DECLARE AN EMERGENCY; AND FOR
11 OTHER PURPOSES.
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Subtitle

14 TO AMEND THE PRIOR AUTHORIZATION
15 TRANSPARENCY ACT; TO PROHIBIT PRIOR
16 AUTHORIZATION FOR MEDICATION-ASSISTED
17 TREATMENT; AND TO DECLARE AN EMERGENCY.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 23-99-1103(8), concerning the definition of
24 "healthcare insurer" under the Prior Authorization Transparency Act, is
25 amended to read as follows:

26 (8)(A) "Healthcare insurer" means an insurance company, health
27 maintenance organization, self-insured health plan for employees of a
28 governmental entity, and a hospital and medical service corporation.

29 (B) "Healthcare insurer" does not include:

30 (i) workers' Workers' compensation plans; or

31 (ii) Medicaid, except as provided under § 23-99-

32 1119; or

33 (C)(iii) "Healthcare insurer" does not include an An
34 entity that provides only dental benefits or eye and vision care benefits;
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36 SECTION 2. Arkansas Code § 23-99-1103, concerning the definitions



1 under the Prior Authorization Transparency Act, is amended to add an
2 additional subdivision to read as follows:

3 (21) "Prescription for medication-assisted treatment" means any
4 prescription for medication used as treatment for opioid addiction or other
5 substance abuse disorder.

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7 SECTION 3. Arkansas Code Title 23, Chapter 99, Subchapter 11, is
8 amended to add an additional section to read as follows:

9 23-99-1119. Medication-assisted treatment – Opioid addiction and other
10 substance abuse disorders.

11 (a) A healthcare insurer shall not require prior authorization or
12 impose any other requirement other than a prescription for medication-
13 assisted treatment in order for a patient to obtain coverage of a drug used
14 for medication-assisted treatment of an opioid addiction or other substance
15 abuse disorder.

16 (b) A charge for a prescription for medication-assisted treatment, if
17 applicable, shall be on the lowest-cost benefit tier of a prescription drug
18 formulary.

19 (c) This section does not affect the responsibility of a healthcare
20 provider to comply with the standard of care for medication-assisted
21 treatment, including without limitation the use of therapy in combination
22 with medication.

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24 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the
25 General Assembly of the State of Arkansas that some healthcare insurers,
26 including Medicaid, are placing numerous prior authorization requirements on
27 healthcare providers and their patients who are in need of medication-
28 assisted treatment; that these requirements are counterproductive to patient
29 treatment of opioid addiction and other substance abuse disorders; and that
30 this act is immediately necessary because onerous prior authorization
31 requirements can result in patients resorting to continued illegal drug use
32 to stop withdrawals, and could deter healthcare providers from treating
33 patients. Therefore, an emergency is declared to exist, and this act being
34 immediately necessary for the preservation of the public peace, health, and
35 safety shall become effective on:

36 (1) The date of its approval by the Governor;

1 (2) If the bill is neither approved nor vetoed by the Governor,
2 the expiration of the period of time during which the Governor may veto the
3 bill; or

4 (3) If the bill is vetoed by the Governor and the veto is
5 overridden, the date the last house overrides the veto.

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