

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

As Engrossed: H3/25/19 S4/3/19

# A Bill

HOUSE BILL 1656

5 By: Representative D. Ferguson  
6 By: Senator Bledsoe  
7

## For An Act To Be Entitled

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

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

27 *(8)(A)(i) "Healthcare insurer" means an entity that is subject*  
28 *to state insurance regulation, including an insurance company, a health*  
29 *maintenance organization, ~~self-insured health plan for employees of a~~*  
30 *governmental entity, and a hospital and medical service corporation, a risk-*  
31 *based provider organization, and a sponsor of a nonfederal self-funded*  
32 *governmental plan.*

33 *(ii) "Healthcare insurer" includes Medicaid where*  
34 *specifically referenced in § 23-99-1119.*

35 *(B) "Healthcare insurer" does not include:*

36 *(i) ~~workers' compensation plans or~~ A workers'*



1 compensation plan; or

2 (ii) Medicaid, except as provided under § 23-99-  
3 1119 or when Medicaid services are managed or reimbursed by a healthcare  
4 insurer; or

5 ~~(C) "Healthcare insurer" does not include an (iii)~~  
6 An entity that provides only dental benefits or eye and vision care benefits;  
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8 SECTION 2. Arkansas Code § 23-99-1103, concerning the definitions  
9 under the Prior Authorization Transparency Act, is amended to add an  
10 additional subdivision to read as follows:

11 (21) "Prescription for medication-assisted treatment" means any  
12 prescription for medication used as treatment for opioid addiction approved  
13 by the United States Food and Drug Administration.  
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15 SECTION 3. Arkansas Code Title 23, Chapter 99, Subchapter 11, is  
16 amended to add an additional section to read as follows:

17 23-99-1119. Medication-assisted treatment for opioid addiction.

18 (a) Except in the case of injectables, a healthcare insurer, including  
19 Medicaid, shall not:

20 (1) Require prior authorization in order for a patient to obtain  
21 coverage of buprenorphine, naloxone, naltrexone, methadone, and their various  
22 formulations and combinations approved by the United States Food and Drug  
23 Administration for the treatment of opioid addiction; or

24 (2) Impose any other requirement other than a valid prescription  
25 and compliance with the medication-assisted treatment guidelines issued by  
26 the Substance Abuse and Mental Health Services Administration under the  
27 United States Department of Health and Human Services in order for a patient  
28 to obtain coverage for buprenorphine, naloxone, naltrexone, methadone, and  
29 their various formulations and combinations approved by the United States  
30 Food and Drug Administration for the treatment of opioid addiction.

31 (b) Subdivision (a)(1) of this section shall only apply to the  
32 Arkansas Medicaid Program as it pertains to prescription drugs for treatment  
33 of opioid addiction designated as preferred on the evidence-based preferred  
34 drug list provided there is at least one (1) of each of the drugs listed in  
35 subdivision (a)(1) of this section with the preferred designation on the  
36 preferred drug list or available without prior authorization.

1 (c) If a new formulation or medication approved by the United States  
2 Food and Drug Administration for use as a prescription for medication-  
3 assisted treatment becomes available after the effective date of this section  
4 and is either more expensive or has not been shown to be more effective than  
5 the formulations and medications in subsection (a) of this section, then the  
6 healthcare insurer may require prior authorization of the new formulation or  
7 medication.

8 (d) A healthcare insurer utilizing a tiered drug formulary shall place  
9 on the lowest-cost benefit tier at least one (1) product for each of the  
10 following medications that is approved by the United States Food and Drug  
11 Administration:

12 (1) Buprenorphine;

13 (2) Naloxone;

14 (3) Naltrexone;

15 (4) Methadone; and

16 (5) A product containing both buprenorphine and naloxone.

17 (e) For purposes of any limit a healthcare insurer imposes on the  
18 number of prescriptions for a patient, a prescription for medication-assisted  
19 treatment shall not be counted.

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

24 (g) The Arkansas Medicaid Program shall have until January 1, 2020, to  
25 comply with this section.

26  
27 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the  
28 General Assembly of the State of Arkansas that medication-assisted treatment  
29 is effective at treating opioid addiction and results in substantial cost  
30 savings; that some healthcare insurers, including Medicaid, are placing  
31 numerous prior authorization requirements on healthcare providers and their  
32 patients who are in need of medication-assisted treatment; that these  
33 requirements are counterproductive; and that this act is immediately  
34 necessary because, as a result of these requirements, patients resort to  
35 continued illegal drug use to stop withdrawals and physicians may be deterred  
36 from treating patients due to the difficult prior authorization requirements.

1 Therefore, an emergency is declared to exist, and this act being immediately  
2 necessary for the preservation of the public peace, health, and safety shall  
3 become effective on:

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

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

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

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/s/D. Ferguson