

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021

A Bill

SENATE BILL 309

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By: Senators Irvin, B. Ballinger, Bledsoe, L. Eads, Elliott, J. English, Teague, C. Tucker, D. Wallace
By: Representatives L. Johnson, F. Allen, Boyd, Brown, Cloud, Clowney, D. Ferguson, K. Ferguson, C. Fite, V. Flowers, Haak, Hillman, Love, Lowery, Maddox, Magie, Murdock, Nicks, D. Whitaker, Wooten

For An Act To Be Entitled

AN ACT TO AMEND THE REQUIREMENTS FOR COVERAGE FOR
COLORECTAL CANCER SCREENING; AND FOR OTHER PURPOSES.

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Subtitle

TO AMEND THE REQUIREMENTS FOR COVERAGE
FOR COLORECTAL CANCER SCREENING.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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SECTION 1. Arkansas Code § 23-79-1201(3), concerning the definition of "persons at high risk for colorectal cancer" used under the coverage for colorectal cancer screening, is amended to read as follows:

(3) "Persons at high risk for colorectal cancer" means:

(A) Individuals over ~~fifty (50)~~ forty-five (45) years of age or who face a high risk for colorectal cancer because of:

(i) The presence of one (1) or more polyps on a previous colonoscopy, barium enema, or flexible sigmoidoscopy;

(ii) A family history of colorectal cancer ~~in close relatives of parents, brothers, sisters, or children;~~

(iii) Genetic alterations of hereditary nonpolyposis colon cancer or familial adenomatous polyposis;

(iv) A personal history of colorectal cancer, ulcerative colitis, or Crohn's disease; or

(v) The presence of any appropriate recognized gene markers for colorectal cancer or other predisposing factors; and

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1 (B) Any additional or expanded definition of "persons at
2 high risk for colorectal cancer" as recognized by medical science and
3 determined by the Secretary of the Department of Health in consultation with
4 the University of Arkansas for Medical Sciences.

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6 SECTION 2. Arkansas Code § 23-79-1201, concerning the definitions used
7 in the coverage for colorectal cancer screening, is amended to add an
8 additional subdivision to read as follows:

9 (4) "Follow-up colonoscopy" means a colonoscopy that is
10 performed as a follow-up to a colorectal cancer screening test, other than a
11 colonoscopy, the result of which is:

12 (A) Positive; and

13 (B) Assigned either a grade of "A" or a grade of "B" by
14 the United States Preventive Services Task Force.

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16 SECTION 3. Arkansas Code § 23-79-1202(b), concerning coverage for
17 colorectal cancer examinations and laboratory tests, is amended to read as
18 follows:

19 (b) The coverage shall include colorectal cancer examinations and
20 laboratory tests for:

21 (1) Covered persons who are ~~fifty (50)~~ forty-five (45) years of
22 age or older;

23 (2) Covered persons who are less than ~~fifty (50) years~~ forty-
24 five (45) of age and at high risk for colorectal cancer according to American
25 Cancer Society colorectal cancer screening guidelines as they existed on
26 ~~January 1, 2005~~ January 1, 2021; and

27 (3) Covered persons experiencing or meeting the following
28 criteria or symptoms of colorectal cancer as determined by a physician
29 licensed under the Arkansas Medical Practices Act, § 17-95-201 et seq., § 17-
30 95-301 et seq., and § 17-95-401 et seq.:

31 (A) Bleeding from the rectum or blood in the stool; ~~or~~

32 (B) A change in bowel habits, such as diarrhea,
33 constipation, or narrowing of the stool, that lasts more than five (5) days;
34 or

35 (C) The need for a follow-up colonoscopy.

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1 SECTION 4. Arkansas Code § 23-79-1204 is amended to read as follows:
2 23-79-1204. Exclusions and reductions – Benefits subject to annual
3 deductible and coinsurance.

4 (a) Except as provided in subsection (b) of this section and § 23-79-
5 1207, the coverage offered under § 23-79-1202 may contain any exclusions,
6 reductions, or other limitations approved by the Insurance Commissioner
7 concerning coverages, deductibles, or coinsurance provisions.

8 (b) The benefits provided in this subchapter ~~shall be~~ are subject to
9 the same annual deductible or coinsurance established for all other covered
10 benefits within a healthcare policy.

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12 SECTION 5. Arkansas Code § 23-79-1207 is amended to read as follows:
13 23-79-1207. Cost-sharing.

14 (a) To encourage colorectal cancer screenings, patients and healthcare
15 providers ~~may not~~ shall not be required to meet burdensome criteria or
16 overcome significant obstacles to obtain coverage.

17 (b)(1) ~~An~~ Except as provided in subdivision (b)(2) of this section, an
18 individual shall not be required to pay an additional deductible or
19 coinsurance for testing that is greater than an annual deductible or
20 coinsurance established for similar benefits.

21 (2)(A) Beginning on and after January 1, 2022, a healthcare
22 policy offered to an employee at the time of hiring or healthcare policy
23 renewal shall not contain a cost-sharing requirement for a follow-up
24 colonoscopy.

25 (B) A covered person shall not be subject to a deductible,
26 coinsurance, or any other cost-sharing requirement for services received from
27 participating providers under a healthcare policy, as an initial screening
28 test is not considered complete until a follow-up colonoscopy is performed.

29 (c) If the program or contract does not cover a similar benefit, a
30 deductible or coinsurance ~~may not~~ shall not be set at a level that materially
31 diminishes the value of the colorectal cancer benefit required under this
32 subchapter.

33 (d) Reimbursement to healthcare providers for colorectal cancer
34 screenings provided under this section shall be equal to or greater than
35 reimbursement to healthcare providers under Medicare, Title XVII of the
36 Social Security Act, 42 U.S.C. § 1395 et seq., as it existed on ~~January 1,~~

1 ~~2005~~ January 1, 2021.

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3 SECTION 6. DO NOT CODIFY. EFFECTIVE DATE. This act is effective on
4 and after January 1, 2022.

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