

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

# A Bill

SENATE BILL 639

5 By: Senator K. Hammer  
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## For An Act To Be Entitled

8 AN ACT TO AUTHORIZE OFF-LABEL USE OF DRUG TREATMENTS  
9 TO TREAT PATIENTS DIAGNOSED WITH PEDIATRIC ACUTE-  
10 ONSET NEUROPSYCHIATRIC SYNDROME AND PEDIATRIC  
11 AUTOIMMUNE NEUROPSYCHIATRIC DISORDERS ASSOCIATED WITH  
12 STREPTOCOCCAL INFECTION; AND FOR OTHER PURPOSES.  
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## Subtitle

15 TO AUTHORIZE OFF-LABEL USE OF DRUG  
16 TREATMENTS TO TREAT PATIENTS DIAGNOSED  
17 WITH PEDIATRIC ACUTE-ONSET  
18 NEUROPSYCHIATRIC SYNDROME AND PEDIATRIC  
19 AUTOIMMUNE NEUROPSYCHIATRIC DISORDERS  
20 ASSOCIATED WITH STREPTOCOCCAL INFECTION.  
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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26 SECTION 1. Arkansas Code Title 23, Chapter 79, Subchapter 19, is  
27 amended to add an additional section to read as follows:

28 23-79-1903. Off-label use of drug treatment to treat pediatric acute-  
29 onset neuropsychiatric syndrome and pediatric autoimmune neuropsychiatric  
30 disorders associated with streptococcal infection – Legislative findings –  
31 Definitions.

32 (a) The General Assembly finds that:

33 (1) Pediatric acute-onset neuropsychiatric syndrome, also known  
34 as "PANS", is a clinically defined disorder characterized by the sudden onset  
35 of obsessive-compulsive symptoms or eating restrictions, accompanied by two  
36 (2) or more symptoms of acute behavioral deterioration or motor and sensory



1 changes, or both;

2 (2) Pediatric autoimmune neuropsychiatric disorders associated  
3 with streptococcal infection, also known as "PANDAS", is a term used to  
4 describe a subset of symptoms affecting children and adolescents within the  
5 broader PANS classification;

6 (3) Other states may require coverage for off-label use of drug  
7 treatments to treat pediatric acute-onset neuropsychiatric syndrome and  
8 pediatric autoimmune neuropsychiatric disorders associated with streptococcal  
9 infection; and

10 (4) Arkansas does not require coverage for off-label use of drug  
11 treatments to treat patients who are diagnosed with pediatric acute-onset  
12 neuropsychiatric syndrome and pediatric autoimmune neuropsychiatric disorders  
13 associated with streptococcal infections.

14 (b) As used in this section:

15 (1)(A) "Health benefit plan" means an individual, blanket, or  
16 any group plan, policy, or contract for healthcare services issued, renewed,  
17 or extended in this state by a healthcare insurer, health maintenance  
18 organization, hospital medical service corporation, or self-insured  
19 governmental or church plan in this state.

20 (B) "Health benefit plan" includes:

21 (i) A plan offered by a risk-based provider  
22 organization as established under the Medicaid Provider-Led Organized Care  
23 Act, § 20-77-2701 et seq.;

24 (ii) Indemnity and managed care plans; and

25 (iii) Plans providing health benefits to state and  
26 public school employees under § 21-5-401 et seq.

27 (C) "Health benefit plan" does not include:

28 (i) A plan that provides only dental benefits or eye  
29 and vision care benefits;

30 (ii) A disability income plan;

31 (iii) A credit insurance plan;

32 (iv) Insurance coverage issued as a supplement to  
33 liability insurance;

34 (v) Medical payments under an automobile or  
35 homeowners' insurance plan;

36 (vi) A health benefit plan provided under Arkansas

1 Constitution, Article 5, § 32, the Workers' Compensation Law, § 11-9-101 et  
2 seq., and the Public Employee Workers' Compensation Act, § 21-5-601 et seq.;

3 (vii) A plan that provides only indemnity for  
4 hospital confinement;

5 (viii) An accident-only plan; or

6 (ix) A specified disease plan; and

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

11 (i) The insurance laws of this state;

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

14 (iii) Section 23-76-101 et seq., pertaining to  
15 health maintenance organizations; or

16 (iv) A risk-based provider organization established  
17 under the Medicaid Provider-Led Organized Care Act, § 20-77-2701 et seq.

18 (B) "Healthcare insurer" does not include an entity that  
19 provides only dental benefits or eye and vision care benefits.

20 (c) A health benefit plan that is offered, issued, or renewed in this  
21 state, including a plan offered by a risk-based provider organization  
22 established under the Medicaid Provider-Led Organized Care Act, § 20-77-2701  
23 et seq., shall provide coverage for off-label use of drug treatment to treat  
24 pediatric acute-onset neuropsychiatric syndrome and pediatric autoimmune  
25 neuropsychiatric disorders associated with streptococcal infection on or  
26 after January 1, 2022.

27 (d) The coverage for off-label use of drug treatment to treat  
28 pediatric acute-onset neuropsychiatric syndrome and pediatric autoimmune  
29 neuropsychiatric disorders associated with streptococcal infection under this  
30 section:

31 (1) May be subject to policy deductions or copayment  
32 requirements of a healthcare insurer; and

33 (2) Does not diminish or limit benefits otherwise allowable  
34 under a health benefit plan.

35 (e) The Insurance Commissioner shall develop and promulgate rules for  
36 the implementation and administration of this section.