

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

As Engrossed: S4/15/21

A Bill

SENATE BILL 639

5 By: Senator K. Hammer
6 By: Representative Cloud
7

For An Act To Be Entitled

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

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

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

33 (a) The General Assembly finds that:

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



1 (2) or more symptoms of acute behavioral deterioration or motor and sensory
2 changes, or both;

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

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

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

15 (b) As used in this section:

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

21 (B) "Health benefit plan" includes:

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

25 (ii) Indemnity and managed care plans; and

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

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

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

31 (ii) A disability income plan;

32 (iii) A credit insurance plan;

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

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

1 (vi) A health benefit plan provided 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 (vii) A plan that provides only indemnity for
5 hospital confinement;

6 (viii) An accident-only plan; or

7 (ix) A specified disease plan; and

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

12 (i) The insurance laws of this state;

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

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

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

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

21 (c) A health benefit plan that is offered, issued, or renewed in this
22 state, including a plan offered by a risk-based provider organization
23 established under the Medicaid Provider-Led Organized Care Act, § 20-77-2701
24 et seq., shall provide coverage for off-label use of intravenous
25 immunoglobulin, also known as "IVIG", to treat individuals diagnosed with
26 pediatric acute-onset neuropsychiatric syndrome and pediatric autoimmune
27 neuropsychiatric disorders associated with streptococcal infection, or both,
28 on or after January 1, 2022, under a patient-specific treatment plan
29 established by the Childhood Post-infectious Autoimmune Encephalopathy Clinic
30 established by the University of Arkansas for Medical Sciences in
31 collaboration with Arkansas Children's Hospital.

32 (d) The coverage for off-label use of drug treatment to treat
33 pediatric acute-onset neuropsychiatric syndrome and pediatric autoimmune
34 neuropsychiatric disorders associated with streptococcal infection under this
35 section:

36 (1) May be subject to policy deductions or copayment

1 requirements of a healthcare insurer; and
2 (2) Does not diminish or limit benefits otherwise allowable
3 under a health benefit plan.

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

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/s/K. Hammer