

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023

A Bill

HOUSE BILL 1121

4
5 By: Representative F. Allen

For An Act To Be Entitled

8 AN ACT CONCERNING COVERAGE FOR BIOMARKER TESTING FOR
9 EARLY DETECTION AND MANAGEMENT FOR CANCER DIAGNOSES;
10 AND FOR OTHER PURPOSES.

Subtitle

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13 CONCERNING COVERAGE FOR BIOMARKER TESTING
14 FOR EARLY DETECTION AND MANAGEMENT FOR
15 CANCER DIAGNOSES.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 SECTION 1. Arkansas Code Title 23, Chapter 79, is amended to add an
22 additional subchapter to read as follows:

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24 Subchapter 24 – Coverage for Biomarker Testing for Early Detection and
25 Management for Cancer Diagnoses

26
27 23-79-2401. Definitions.

28 As used in this subchapter:

29 (1)(A) "Biomarker" means a characteristic that is objectively
30 measured and evaluated as an indicator of normal biological processes,
31 pathogenic processes, or pharmacologic responses to a specific therapeutic
32 intervention.

33 (B) "Biomarker" includes without limitation gene mutations
34 or protein expression;

35 (2)(A) "Biomarker testing" means the analysis of a patient's
36 tissue, blood, or fluid biological specimen for the presences of a biomarker.



1 (B) "Biomarker testing" includes without limitation
2 single-analyte tests, multiplex panel tests, and partial or whole genome
3 sequencing;

4 (3)(A) "Health benefit plan" means an individual, blanket, or
5 group plan, policy, or contract for healthcare services issued, renewed, or
6 extended in this state by a healthcare insurer, health maintenance
7 organization, hospital medical service corporation, or self-insured
8 governmental or church plan in this state.

9 (B) "Health benefit plan" includes indemnity and managed
10 care plans.

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

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

14 (ii) A disability income plan;

15 (iii) A credit insurance plan;

16 (iv) Insurance coverage issued as a supplement to
17 liability insurance;

18 (v) Medical payments under an automobile or
19 homeowners insurance plan;

20 (vi) A health benefit plan provided under Arkansas
21 Constitution, Article 5, § 32, the Workers' Compensation Law, § 11-9-101 et
22 seq., and the Public Employee Workers' Compensation Act, § 21-5-601 et seq.;

23 (vii) A plan that provides only indemnity for
24 hospital confinement;

25 (viii) An accident-only plan;

26 (ix) A specified disease plan;

27 (x) A program established by the Arkansas Health and
28 Opportunity for Me Act of 2021, § 23-61-1001 et seq.; or

29 (xi) Plans providing health benefits to state and
30 public school employees under § 21-5-401 et seq.;

31 (4)(A) "Healthcare insurer" means any insurance company,
32 hospital and medical service corporation, or health maintenance organization
33 that issues or delivers health benefit plans in this state and is subject to
34 any of the following laws:

35 (i) The insurance laws of this state;

36 (ii) Section 23-75-101 et seq., pertaining to

1 hospital and medical service corporations; or

2 (iii) Section 23-76-101 et seq., pertaining to
 3 health maintenance organizations.

4 (B) "Healthcare insurer" does not include an entity that
 5 provides only dental benefits or eye and vision care benefits; and

6 (5) "Healthcare professional" means a person who is licensed,
 7 certified, or otherwise authorized by the laws of this state to administer
 8 health care in the ordinary course of the practice of his or her profession.

9
 10 23-79-2402. Coverage for biomarker testing for early detection and
 11 management for cancer diagnoses.

12 (a) A health benefit plan that is offered, issued, or renewed in this
 13 state shall provide coverage for biomarker testing for early detection and
 14 management for cancer diagnoses if ordered by a healthcare professional on or
 15 after January 1, 2024.

16 (b) The coverage for biomarker testing for early detection and
 17 management for cancer diagnoses under this section:

18 (1) May be subject to the policy deductibles or copayment
 19 requirements of a healthcare insurer; and

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

22
 23 23-79-2403. Rules.

24 The Insurance Commissioner shall implement and administer this
 25 subchapter, including without limitation, by:

26 (1) Promulgating rules;

27 (2) Consulting with a panel of healthcare professionals that are
 28 convened by the Secretary of the Department of Health to help guide the
 29 selection of biomarkers for early detection and management for cancer
 30 diagnoses; and

31 (3) Ensuring that publicly available lists of biomarkers for
 32 early detection and management for cancer diagnoses from professional and
 33 governmental organizations are available for use.

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 35 SECTION 2. DO NOT CODIFY. Rules.

36 (a) When adopting the initial rules required under this act, the

1 Insurance Commissioner shall file the final rules with the Secretary of State
2 for adoption under § 25-15-204(f):

3 (1) On or before January 1, 2024; or

4 (2) If approval under § 10-3-309 has not occurred by January 1,
5 2024, as soon as practicable after approval under § 10-3-309.

6 (b) The commissioner shall file the proposed rules with the
7 Legislative Council under § 10-3-309(c) sufficiently in advance of January 1,
8 2024, so that the Legislative Council may consider the rules for approval
9 before January 1, 2024.

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