

Stricken language would be deleted from and underlined language would be added to present law.
Act 699 of the Regular Session

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: H3/20/19
A Bill

SENATE BILL 446

By: Senators G. Leding, B. Davis

By: Representatives Vaught, Murdock, L. Johnson, Maddox

For An Act To Be Entitled

AN ACT CONCERNING STEP THERAPY REQUIREMENTS FOR
CERTAIN PRESCRIPTION DRUGS TO TREAT METASTATIC
CANCER; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING STEP THERAPY REQUIREMENTS FOR
CERTAIN PRESCRIPTION DRUGS TO TREAT
METASTATIC CANCER.

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

SECTION 1. Arkansas Code § 23-79-147(a), concerning definitions to be used for prescription medication benefits, is amended to add an additional subdivision to read as follows:

(4) "Metastatic cancer" means cancer that has spread from a primary or original site of the cancer to surrounding or nearby tissues, lymph nodes, or other parts of the body.

SECTION 2. Arkansas Code § 23-79-147(d), concerning the applicability of the section for prescription medication, is amended to read as follows:

(d) ~~Subsection~~ Except as provided in subsection (e) of this section, subsection (b) of this section shall not be construed to do any of the following:

(1) Require coverage for any drug if the United States Food and Drug Administration has determined its use to be contraindicated for the treatment of the specific type of cancer for which the drug has been



prescribed;

(2) Alter any law with regard to provisions limiting the coverage of drugs that have not been approved by the United States Food and Drug Administration; or

(3) Create, impair, alter, limit, modify, enlarge, abrogate, or prohibit reimbursement for drugs used in the treatment of any other disease or condition.

SECTION 3. Arkansas Code § 23-79-147, concerning prescription medication under an insurance policy, is amended to add an additional subsection to read as follows:

(e) An insurance policy that provides coverage for the treatment of metastatic cancer shall not limit or exclude coverage under the health benefit plan for a drug approved by the United States Food and Drug Administration that is on the prescription drug formulary of the insurance policy by mandating that a covered person with metastatic cancer undergo step therapy unless the preferred drug is consistent with best practices that:

(1) Use for the treatment of metastatic cancer or associated conditions under:

(A) The United States Food and Drug Administration-approved indication; or

(B) The National Comprehensive Cancer Network Drugs and Biologics Compendium indication; or

(2) Evidence-based, peer-reviewed, recognized medical literature.

SECTION 4. Arkansas Code § 23-99-1114(c), concerning limitations on step therapy under the Prior Authorization Transparency Act, is amended to read as follows:

~~Notwithstanding~~ Except as provided in subsection (d) of this section, notwithstanding subsection (a) of this section, a utilization review entity may require the utilization of step therapy if:

(1) A new drug has been introduced to treat the patient's condition or an existing therapy is considered clinically appropriate for treatment of the patient's condition; or

(2) The patient's medical or physical condition has changed

substantially since the step therapy was required that makes the use of repeat step therapy appropriate.

SECTION 5. Arkansas Code § 23-99-1114, concerning limitations on step therapy under the Prior Authorization Transparency Act, is amended to add an additional subsection to read as follows:

(d)(1) An insurance policy that provides coverage for the treatment of metastatic cancer shall not limit or exclude coverage under the health benefit plan for a drug approved by the United States Food and Drug Administration that is on the prescription drug formulary of the insurance policy by mandating that a covered person with metastatic cancer undergo step therapy unless the preferred drug is consistent with best practices that:

(A) Use for the treatment of metastatic cancer or associated conditions under:

(i) The United States Food and Drug Administration-approved indication; or

(ii) The National Comprehensive Cancer Network Drugs and Biologics Compendium indication; or

(B) Evidence-based, peer-reviewed, recognized medical literature.

(2) As used in subdivision (d)(1) of this section, "metastatic cancer" means cancer that has spread from a primary or original site of the cancer to surrounding or nearby tissues, lymph nodes, or other parts of the body.

/s/G. Leding

APPROVED: 4/4/19