

Stricken language would be deleted from and underlined language would be added to present law.
Act 1054 of the Regular Session

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: S4/15/21 H4/21/21
A Bill

SENATE BILL 639

By: Senator K. Hammer
By: Representative Cloud

For An Act To Be Entitled

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

Subtitle

TO AUTHORIZE OFF-LABEL USE OF DRUG TREATMENTS TO TREAT PATIENTS DIAGNOSED WITH PEDIATRIC ACUTE-ONSET NEUROPSYCHIATRIC SYNDROME AND PEDIATRIC AUTOIMMUNE NEUROPSYCHIATRIC DISORDERS ASSOCIATED WITH STREPTOCOCCAL INFECTION.

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

SECTION 1. Arkansas Code Title 23, Chapter 79, Subchapter 19, is amended to add an additional section to read as follows:

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

(a) The General Assembly finds that:

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



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

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

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

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

(b) As used in this section:

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

(B) "Health benefit plan" includes:

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

(ii) Indemnity and managed care plans; and

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

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

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

(ii) A disability income plan;

(iii) A credit insurance plan;

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

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

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

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

(viii) An accident-only plan; or

(ix) A specified disease plan; and

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

(i) The insurance laws of this state;

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

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

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

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

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

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

(1) May be subject to policy deductions or copayment

requirements and any standard prior authorization review of a healthcare insurer or a health benefit plan; and

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

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

/s/K. Hammer

APPROVED: 4/29/21