

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

SENATE BILL 490

By: Senator G. Leding
By: Representative L. Johnson

For An Act To Be Entitled

AN ACT CONCERNING COVERAGE FOR GENETIC TESTING FOR
INHERITED CANCER MUTATIONS; TO CREATE THE GENETIC
TESTING ACT; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING COVERAGE FOR GENETIC TESTING
FOR INHERITED CANCER MUTATIONS; AND TO
CREATE THE GENETIC TESTING ACT.

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

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

Subchapter 24 – Genetic Testing Act

23-79-2401. Title.

This subchapter shall be known and may be cited as the "Genetic Testing Act".

23-79-2402. Definitions.

As used in this subchapter:

(1) "Cost sharing" means a deductible payment, coinsurance amount, or any similar out-of-pocket expense;

(2) "Enrollee" means an individual entitled to coverage of healthcare services from a healthcare insurer;

(3) "Evidence-based screening" means a screening mammography,



breast screening magnetic resonance imaging, or any additional screening modalities according to nationally recognized clinical practice guidelines;

(4) "Genetic testing for inherited cancer mutations" means a genetic test for germline mutations that is conducted according to evidence-based screening and nationally recognized clinical practice guidelines specifically addressing genetic testing, screening, and management of individuals with inherited mutations associated with increased cancer risk;

(5)(A) "Health benefit plan" means any individual, blanket, or group plan, policy, or contract for healthcare services issued or delivered by a healthcare insurer in this state.

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

(i) Accident-only plans;

(ii) Specified disease plans;

(iii) Disability income plans;

(iv) Plans that provide only for indemnity for hospital confinement;

(v) Long-term-care-only plans that do not include pharmacy benefits;

(vi) Other limited-benefit health insurance policies or plans;

(vii) Health benefit plans provided under Arkansas Constitution, Article 5, § 32, the Workers' Compensation Law, § 11-9-101 et seq., or the Public Employee Workers' Compensation Act, § 21-5-601 et seq.;

(viii) The Arkansas Medicaid Program;

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

(x) Any state or local governmental employee plan;

(6)(A) "Healthcare insurer" means a:

(i) Health insurance issuer that:

(a) Is subject to state law regulating insurance; and

(b) Offers health insurance coverage under 42 U.S.C. § 300gg-91, as it existed on January 1, 2023;

(ii) Health maintenance organization; or

(iii) Hospital and medical service corporation.

(B) "Healthcare insurer" does not include an entity that

provides only dental benefits or eye and vision care benefits;

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

(8)(A) "Nationally recognized clinical practice guidelines" means evidence-based clinical practice guidelines that:

(i) Are developed by independent organizations or medical professional societies using a:

(a) Transparent methodology and reporting structure; and

(b) Conflict of interest policy; and

(ii) Establish standards of care that are informed by:

(a) A systemic review of evidence; and

(b) An assessment of benefits and costs of alternative care options that includes recommendations intended to optimize patient care.

(B) "Nationally recognized clinical practice guidelines" includes those produced by a national recognized oncology professional organization, including without limitation the National Comprehensive Cancer Network or the American Society of Clinical Oncology.

23-79-2403. Coverage for genetic testing for inherited cancer mutations.

(a) A health benefit plan that is offered, issued, or renewed in this state shall provide coverage for:

(1) Genetic testing for inherited cancer mutations for an enrollee with a personal or family history of breast cancer if the genetic testing is recommended by a healthcare professional; and

(2) Evidenced-based screenings for an enrollee with an inherited cancer risk as recommended under nationally recognized clinical practice guidelines.

(b) The coverage under subsection (a) of this section is not subject to any cost-sharing requirements under other applicable law.