

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: S3/20/19

A Bill

SENATE BILL 252

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

For An Act To Be Entitled

9 AN ACT TO PROVIDE FOR INSURANCE COVERAGE FOR
10 TREATMENT OF PEDIATRIC AUTOIMMUNE NEUROPSYCHIATRIC
11 DISORDERS ASSOCIATED WITH STREPTOCOCCAL INFECTION AND
12 PEDIATRIC ACUTE-ONSET NEUROPSYCHIATRIC SYNDROME; AND
13 FOR OTHER PURPOSES.
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Subtitle

16 TO PROVIDE FOR INSURANCE COVERAGE FOR
17 TREATMENT OF PEDIATRIC AUTOIMMUNE
18 NEUROPSYCHIATRIC DISORDERS ASSOCIATED
19 WITH STREPTOCOCCAL INFECTION AND
20 PEDIATRIC ACUTE-ONSET NEUROPSYCHIATRIC
21 SYNDROME.
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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, is amended to add an
28 additional subchapter to read as follows:

29 Subchapter 18 – Coverage for Services of Pediatric Autoimmune
30 Neuropsychiatric Disorders Associated with Streptococcal Infections and
31 Pediatric Acute-Onset Neuropsychiatric Syndrome.
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33 23-79-1801. Findings.

34 The General Assembly finds that:

35 (1) Pediatric acute-onset neuropsychiatric syndrome, also
36 known as "PANS", is a clinically defined disorder characterized by the



1 sudden onset of obsessive-compulsive symptoms or eating restrictions,
2 accompanied by two (2) or more symptoms of acute behavioral
3 deterioration or motor and sensory changes, or both;

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

8 (3) Some insurance companies are currently providing
9 disparate insurance coverage for the treatment of PANS and PANDAS,
10 including the State and Public School Life and Health Insurance
11 Program, the University of Arkansas for Medical Sciences, Medicaid,
12 and some insurance companies that serve the interests of Arkansans;
13 and

14 (4) However, not all insurance providers in Arkansas
15 provide coverage or sufficient coverage for PANS and PANDAS, and those
16 insurance companies that do should be consistent in coverage of
17 treatment of PANS and PANDAS.

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19 23-79-1802. Interdisciplinary panel – University of Arkansas for
20 Medical Sciences.

21 (a) The University of Arkansas for Medical Sciences has
22 partnered with Arkansas Children's Hospital and the National Institute
23 of Mental Health for the establishment and operation of a clinic that
24 currently serves patients with pediatric acute-onset neuropsychiatric
25 syndrome, also known as "PANS", and pediatric autoimmune
26 neuropsychiatric disorder associated with streptococcal infections,
27 also known as "PANDAS".

28 (b)(1) The University of Arkansas for Medical Sciences shall
29 organize an interdisciplinary panel incorporating all components of
30 those affected by PANS/PANDAS including without limitation working
31 with national organizations.

32 (2) The interdisciplinary panel under subdivision (b)(1)
33 of this section shall include:

34 (A) A member at large from the Arkansas PANS/PANDAS
35 Advisory Council;

36 (B) A member at large who is a medical professional

1 with a minimum experience of two (2) years working with PANS/PANDAS
2 patients and who is recommended by the Arkansas PANS/PANDAS Advisory
3 Council with final approval by the University of Arkansas for Medical
4 Sciences; and

5 (C) A member at large who is a medical director or
6 medical officer from an insurance company licensed in this state to
7 assist in the development of diagnostic criteria for future insurance
8 coverage purposes.

9 (c) An interdisciplinary team shall be established to create a
10 protocol for the treatment of and diagnostic framework for the
11 coverage of PANS and PANDAS by June 1, 2019, to allow for the
12 assignment of an International Classification of Diseases Code, such
13 as an ICD-9 code or other applicable medical code for insurance
14 coverage purposes.

15 (d) The interdisciplinary team shall report to the Senate
16 Committee on Public Health, Welfare and Labor, the House Committee on
17 Public Health, Welfare and Labor, the Senate Committee on Insurance
18 and Commerce, and the House Committee on Insurance and Commerce no
19 later than August 31, 2019.

20 (e) Once the interdisciplinary team determines appropriate
21 diagnostic criteria for the protocol, a final report with
22 recommendations shall be submitted to the Senate Committee on Public
23 Health, Welfare and Labor, the House Committee on Public Health,
24 Welfare and Labor, the Senate Committee on Insurance and Commerce, the
25 House Committee on Insurance and Commerce, and the General Assembly to
26 include recommendations concerning mandating insurance coverage for
27 the treatment of PANS and PANDAS for the next scheduled regular
28 session that convenes after the submission of the report or the
29 Governor is encouraged to add the recommendation to the call of any
30 special session that is convened before the next scheduled regular
31 session.

32 (f) The expectation for the interdisciplinary team is that:

33 (1) Every available tool will be utilized to make
34 healthcare services for the treatment of PANS and PANDAS available
35 statewide through the University of Arkansas for Medical Sciences
36 network and available services, including telemedicine; and

1 (2) Once the interdisciplinary team determines the
2 diagnostic criteria for purposes of insurance coverage, all insurance
3 companies and health benefit plans that are licensed in this state
4 shall provide coverage for the treatment of PANS and PANDAS diagnosed
5 according to the established diagnostic criteria recommended by the
6 interdisciplinary team.

7 (g) The goal of the interdisciplinary team is to have that the
8 diagnostic criteria shall be finalized and ready to be presented at
9 the December 2019 meeting of the Senate Committee on Public Health,
10 Welfare and Labor, the House Committee on Public Health, Welfare and
11 Labor, the Senate Committee on Insurance and Commerce, and the House
12 Committee on Insurance and Commerce.

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14 23-79-1803. Coverage for treatment of pediatric autoimmune
15 neuropsychiatric disorders associated with streptococcal infections and
16 pediatric acute-onset neuropsychiatric syndrome.

17 (a) A health benefit plan that is amended, delivered, issued, or
18 renewed after January 1, 2020, shall provide coverage for treatment of
19 pediatric autoimmune neuropsychiatric disorders associated with streptococcal
20 infections and pediatric acute-onset neuropsychiatric syndrome, including
21 without limitation the use of intravenous immunoglobulin therapy.

22 (b) If at any time the United States Secretary of Health and Human
23 services, or his or her designee, promulgates rules or regulations to be
24 published in the Federal Register, publishes a comment in the Federal
25 Register, or issues an opinion, guidance, or other action that would require
26 the state, pursuant to the Patient Protection and Affordable Care Act, Pub.
27 L. No. 111-148, as amended by Pub. L. No. 111-152, including without
28 limitation 42 U.S.C. § 18031(d)(3)(B), to defray the cost of coverage for
29 pediatric autoimmune neuropsychiatric disorders associated with streptococcal
30 infections and pediatric acute-onset neuropsychiatric syndrome as described
31 in subsection (a) of this section, then the requirement that an insurer cover
32 pediatric autoimmune neuropsychiatric disorders associated with streptococcal
33 infections and pediatric acute-onset neuropsychiatric syndrome as described
34 in subsection (a) of this section does not apply other than any such coverage
35 authorized under section 1902 of the Social Security Act, 42 U.S.C. § 1396a.

36 (c) The state shall not assume any obligation for the cost of coverage

1 for pediatric autoimmune neuropsychiatric disorders associated with
2 streptococcal infections and pediatric acute-onset neuropsychiatric syndrome.

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4 SECTION 2. TEMPORARY LANGUAGE. DO NOT CODIFY. Arkansas PANS/PANDAS
5 Advisory Council – Creation – Duties.

6 (a) The Arkansas PANS/PANDAS Advisory Council is created.

7 (b) The Arkansas PANS/PANDAS Advisory Council shall be composed of the
8 following members:

9 (1) Two (2) members of the House of Representatives appointed by
10 the Speaker of the House of Representatives;

11 (2) Two (2) members of the Senate appointed by the President Pro
12 Tempore of the Senate;

13 (3) One (1) member who is a medical professional with two (2)
14 years of professional experience working with PANS/PANDAS patients, appointed
15 by the Governor;

16 (4) One (1) member who is a medical professional with two (2)
17 years of professional experience working with PANS/PANDAS patients, appointed
18 by the Arkansas PANS/PANDAS Advisory Council;

19 (5) The Director of the Department of Health or his or her
20 designee, serving as an ex officio nonvoting member;

21 (6) The Insurance Commissioner or his or her designee, serving
22 as an ex officio nonvoting member;

23 (7) Three (3) members who are employed by a public school
24 district appointed by the Governor, one (1) member to be a public school
25 nurse, one (1) member to be a public school counselor, and one (1) member to
26 be a public school teacher;

27 (8) One (1) member who is designated by the Arkansas Hospital
28 Association, Inc.;

29 (9) One (1) member who is designated by the Arkansas State Board
30 of Nursing;

31 (10) One (1) member who is designated by the Arkansas
32 Pharmacist's Association;

33 (11) One (1) member who is designated by the American Academy of
34 Allergy, Asthma, and Immunology;

35 (12) Two (2) members who are parents, appointed by the Governor;
36 and

1 (13) One (1) member who is designated by the Arkansas Medical,
2 Dental, and Pharmaceutical Association, Inc.

3 (c) The terms of the members of the Arkansas PANS/PANDAS Advisory
4 Council shall expire on December 31, 2020.

5 (d) Members shall serve at the pleasure of the organizations they
6 represent or of the Governor, as indicated.

7 (e) Vacancies on the Arkansas PANS/PANDAS Advisory Council shall be
8 filled in the same manner as provided for the initial appointment.

9 (f) The chair and vice-chair of the Arkansas PANS/PANDAS Advisory
10 Council shall be one (1) of the legislative members of the interdisciplinary
11 panel and shall be selected by the members of the interdisciplinary panel.

12 (g) The Arkansas PANS/PANDAS Advisory Council shall meet as often as
13 is deemed necessary by the chair.

14 (h) All members of the Arkansas PANS/PANDAS Advisory Council shall
15 serve without compensation and shall not receive per diem, mileage, or
16 stipends.

17 (i) The Arkansas PANS/PANDAS Advisory Council shall receive staff
18 support from the Bureau of Legislative Research.

19 (j) The Arkansas PANS/PANDAS Advisory Council may:

20 (1) Make recommendations designed to improve and increase
21 knowledge and develop mechanisms to increase clinical awareness and treatment
22 throughout the state for pediatric acute-onset neuropsychiatric syndrome,
23 also known as "PANS", and pediatric autoimmune neuropsychiatric disorders
24 associated with streptococcal infection, also known as "PANDAS", especially
25 for healthcare professionals;

26 (2) Operate along with the interdisciplinary panel at the
27 University of Arkansas for Medical Sciences to determine quarterly
28 information, including case statistics, outcome measures, and other relevant
29 information;

30 (3) Make recommendations concerning standard practice guidelines
31 for the diagnosis and treatment of PANS/PANDAS;

32 (4) Provide outreach to educators and parents; and

33 (5) Develop a network of volunteer experts on PANS/PANDAS to
34 serve as resources within this state.

35 (k)(1) The Arkansas PANS/PANDAS Advisory Council shall submit a report
36 to the Legislative Council, the Senate Committee on Insurance and Commerce,

1 the House Committee on Insurance and Commerce, the Senate Committee on Public
2 Health, Welfare, and Labor, and the House Committee on Public Health,
3 Welfare, and Labor no later than August 31, 2019.

4 (2) The Arkansas PANS/PANDAS Advisory Council shall report to
5 the Senate Committee on Insurance and Commerce, the House Committee on
6 Insurance and Commerce, the Senate Committee on Public Health, Welfare, and
7 Labor, and the House Committee on Public Health, Welfare, and Labor as
8 requested.

9 (1) This section expires December 31, 2020.

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12 /s/K. Hammer
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