

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 75 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: H1/16/09

A Bill

HOUSE BILL 1031

5 By: Representatives Allen, Williams, Pennartz, George, Abernathy, T. Baker, Betts, Blount, T. Bradford,
6 Breedlove, Cheatham, Cole, Cook, Cooper, L. Cowling, Davenport, Davis, Dunn, Everett, Gaskill,
7 Glidewell, R. Green, Hall, Hardy, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Kidd, W. Lewellen,
8 Lovell, Moore, Nickels, Nix, Overbey, Patterson, Pierce, Powers, Rainey, Reynolds, Sample, Saunders,
9 Shelby, Stewart, Tyler, Wagner, Webb, Wells, B. Wilkins, Word
10 By: Senator H. Wilkins
11
12

For An Act To Be Entitled

13
14 AN ACT TO REQUIRE HEALTH BENEFIT PLANS TO PROVIDE
15 PROSTATE CANCER SCREENING FOR MEN FORTY (40)
16 YEARS OF AGE AND OVER; AND FOR OTHER PURPOSES.
17

Subtitle

18
19 AN ACT TO REQUIRE HEALTH BENEFIT PLANS
20 TO PROVIDE PROSTATE CANCER SCREENING FOR
21 MEN FORTY (40) YEARS OF AGE AND OVER.
22
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

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

28 23-79-1301. Findings.

29 The General Assembly finds that:

30 (1) Prostate cancer is the second leading cause of cancer in
31 men;

32 (2) In Arkansas, more men die from prostate cancer than women
33 die of breast cancer, the tenth highest death rate in the nation;

34 (3) Even though the death rate for prostate cancer has decreased
35 in Arkansas, there has been a fifty-five percent (55%) increase in premature



1 death before age sixty-five;

2 (4) Arkansas's African-American men are fifty-five percent (55%)
3 more likely to develop prostate cancer and one hundred seventy-six percent
4 (176%) more likely to die from prostate cancer than Arkansas's Caucasian men;

5 (5) The Arkansas Central Cancer Registry data indicates that
6 there has been a steady increase in the number of new cases of prostate
7 cancer and a steady decrease in deaths from prostate cancer in Arkansas since
8 1999, indicating that there have been improvements in discovering prostate
9 cancer before symptoms appear;

10 (6) Studies have found that men between fifty (50) years of age
11 and sixty (60) years of age who were diagnosed with prostate cancer were
12 sixty percent (60%) more likely to suffer premature death than those men who
13 were diagnosed at an earlier age;

14 (7) Identifying the characteristics of high-risk men and
15 fostering early diagnosis and appropriate treatment could:

16 (A) Prevent premature deaths;

17 (B) Decrease:

18 (i) Adverse effects and death from prostate cancer,
19 particularly in the underserved populations;

20 (ii) Health disparities; and

21 (iii) Prostate cancer treatment costs through
22 diagnosis at an earlier stage; and

23 (C) Improve and extend quality of life; and

24 (8) The cost of treatment per man for:

25 (A) Early-stage prostate cancer is fifty-eight thousand
26 dollars (\$58,000); and

27 (B) Late-stage prostate cancer is more than ninety-three
28 thousand dollars (\$93,000).

29
30 23-79-1302. Definitions.

31 As used in this subchapter:

32 (1)(A) "Health benefit plan" means an individual, blanket, or
33 group plan, policy, or contract for health care services issued or delivered
34 by an insurer, health maintenance organization, hospital medical service
35 corporation, or self-insured governmental or church plan in this state.

36 (B) "Health benefit plan" includes:

1 (i) Indemnity and managed care plans; and
2 (ii) Governmental plans as defined in 29 U.S.C. §
3 1002(32), as it existed on January 1, 2009.

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

5 (i) Accidental injury insurance plans;
6 (ii) Dental insurance plans;
7 (iii) Vision insurance plans;
8 (iv) Specified disease insurance plans;
9 (v) Disability income plans;
10 (vi) Credit insurance plans;
11 (vii) Insurance coverage issued as a supplement to
12 liability insurance;
13 (viii) Medical payments under automobile or
14 homeowners' insurance plans;
15 (ix) Health benefit plans provided under Arkansas
16 Constitution, Article 5, § 32, the Workers' Compensation Law, § 11-9-101 et
17 seq., and the Public Employee Workers' Compensation Act, § 21-5-601 et seq.;
18 (x) Insurance under which benefits are payable with
19 or without regard to fault and the benefits that are statutorily required to
20 be contained in any liability policy or equivalent self-insurance; and
21 (xi) Plans that provide only indemnity for hospital
22 confinement;

23 (2) "National Comprehensive Cancer Network" means:

24 (A) A not-for-profit alliance of twenty-one (21) of the
25 world's leading cancer centers dedicated to improving the quality and
26 effectiveness of care provided to patients with cancer; and

27 (B) With the primary goal of improving the quality,
28 effectiveness, and efficiency of oncology practice so that patients may live
29 better lives; and

30 (3) "Premature death" means a death that occurs before sixty-
31 five (65) years of age.

32 23-79-1303. Coverage for prostate cancer screening required.

33 (a)(1) A health benefit plan that is offered, issued, or renewed in
34 this state on or after January 1, 2010, and that provides coverage to men
35 forty (40) years of age or older in this state shall provide coverage for
36 screening for the early detection of prostate cancer in men forty (40) years

1 of age and older according to the National Comprehensive Cancer Network
2 guidelines, as in effect on January 1, 2009.

3 (2) The coverage for prostate cancer screening required under
4 subdivision (a)(1) of this section:

5 (A) Is not subject to policy deductibles; and

6 (B) Shall not exceed the actual cost of the prostate
7 cancer screening up to the maximum allowable cost per screening.

8 (b) The coverage for prostate cancer screening required under
9 subsection (a) of this section shall be offered as follows:

10 (1) The prostate cancer screening shall be performed by a
11 qualified medical professional; and

12 (2) The coverage shall provide at least one (1) screening per
13 year for any man forty (40) years of age or older according to the National
14 Comprehensive Cancer Network guidelines, as in effect on January 1, 2009.

15 (c) The coverage for prostate cancer screening required under
16 subsection (a) of this section does not diminish or limit diagnostic benefits
17 otherwise allowable under a health benefit plan.

18 (d) If a medical practitioner recommends that an insured, a
19 subscriber, or an enrollee undergo a prostate specific antigen blood test,
20 coverage may not be denied on the ground that the insured, subscriber, or
21 enrollee has already had a digital rectal examination and the examination
22 result was negative.

23
24 */s/ Allen*

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26 **APPROVED: 2/5/2009**