



Michael Preston
SECRETARY OF COMMERCE

Alan McClain
COMMISSIONER,
ARKANSAS INSURANCE
DEPARTMENT

DATE: JULY 23, 2021
TO: ALL INTERESTED PARTIES
FROM: ARKANSAS INSURANCE DEPARTMENT
SUBJECT: RULE 107: "Regulation of Medication Step Therapy Protocols"

NOTICE OF PUBLIC HEARING

Please find attached or available by electronic publication by the Arkansas Insurance Department ("AID") Proposed Rule 107, "Regulation of Medication Step Therapy Protocols".

Pursuant to Arkansas Administrative Procedures Act, and other applicable laws or rules, NOTICE is hereby given that a PUBLIC HEARING will be held on August 26, 2021 at 09:30 A.M., in the Second Floor Hearing Room ("Diamond Mine"), at the Arkansas Department of Commerce, 1 Commerce Way, Little Rock, AR 72202.

The Arkansas Insurance Commissioner is considering adopting proposed Rule 107, implementing Act 97 of 2021, which requires healthcare insurers to base medication step therapy protocols on appropriate clinical practice guidelines or peer-reviewed data developed by independent experts with knowledge of the condition under consideration. Act 97 also ensures that patients have access to a fair, transparent, and independent process for requesting a step therapy protocol exception when the patient's physician deems it appropriate. The Rule also creates a mechanism for enforcement and establishes penalties for nonconformance.

This Notice is required by the Arkansas Administrative Procedures Act in Ark. Code Ann. § 25-15-206. Copies of the proposed Rule may be obtained by writing or calling the Arkansas Insurance Department, or by visiting its Internet site at <https://www.insurance.arkansas.gov/pages/industry-regulation/legal/proposed-rules/>.

Comments from the public will be accepted until August 26, 2021 and may be submitted to the Department in writing at the address above or electronically to the following email address: insurance.legal@arkansas.gov.

Sincerely,

Crystal Phelps,
Associate Counsel
Arkansas Insurance Department

NOTICE OF PUBLIC HEARING AND COMMENT

The Arkansas Insurance Department will host a Public Hearing on August 26, 2021, at 9:30 AM, in the Second Floor Diamond Mine Hearing Room, in the Arkansas Department of Commerce Building, One Commerce Way, Little Rock, Arkansas 72202. The Arkansas Insurance Commissioner is considering adopting proposed Rule 107, implementing Act 97 of 2021, which requires healthcare insurers to base medication step therapy protocols on appropriate clinical practice guidelines or peer-reviewed data developed by independent experts with knowledge of the condition under consideration. Act 97 also ensures that patients have access to a fair, transparent, and independent process for requesting a step therapy protocol exception when the patient's physician deems it appropriate. The Rule also creates a mechanism for enforcement and establishes penalties for nonconformance. This Notice is required by the Arkansas Administrative Procedures Act in Ark. Code Ann. § 25-15-206. Copies of the proposed Rule may be obtained by writing or calling the Arkansas Insurance Department, or by visiting its Internet site at <https://www.insurance.arkansas.gov/pages/industry-regulation/legal/proposed-rules/>. Comments from the public will be accepted until August 26, 2021 and may be submitted to the Department in writing at the address above or electronically to the following email address: insurance.legal@arkansas.gov. For more information, please contact Ms. Clara Mezza, Legal Division, Arkansas Insurance Department at 501-371-2820.