

PUBLIC COMMENTS SUMMARY

RULE 114: PRIOR AUTHORIZATIONS FOR PAIN MEDICATIONS FOR TERMINAL ILLNESSES

A post hearing mark up of changes made to the initially filed rule is included herein as well as a brief description of public comments. We are attaching a copy of the hearing transcript and record for the Bureau.

Changes or modifications to initially filed rule in response to comments:

#1. Due to the placement of Act 992 of 2015 by the Code Revision into a subchapter outside of subchapter Four (4) in the insurance code, out of caution now to the tie to rulemaking permitted under 23-99-414, the Department added additional authority for issuing rule under Ark. Code Ann. § 23-61-108, which provides authority to issue rules to effectuate provisions in the Insurance Code.

#2. Section Two (2) of the proposed corrected code cite references to the eventual subchapter in which the Code Revision Commission placed Act 992 of 2015.

#3. Section Four (4) established an effective date for June 27, 2016.

Public Comments:

#1. April 11, 2016. Letter comment from the Arkansas Medical Society (AMS). AMS supports the rule which helps implement Act 992 of 2015, an Act which is intended to lessen the potential delay of pain medications being administered to those in their last months of life.

#2. April 12, 2016. Letter comment from Arkansas Blue Cross and Blue Shield (ABCBS). ABCBS is in support of the proposed rule, it believes the proposed rule provides needed clarity with respect to the Department's position on the applicability of Act 992 of 2015 and strikes a sensible balance between the needs of individuals with terminal illnesses and concerns related to potential misuse of pain medications.