



General Assembly

January Session, 2011

***Raised Bill No. 1083***

LCO No. 3517

\*03517\_\_\_\_\_INS\*

Referred to Committee on Insurance and Real Estate

Introduced by:  
(INS)

***AN ACT CONCERNING HEALTH INSURANCE COVERAGE OF  
PRESCRIPTION DRUGS FOR PAIN TREATMENT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 38a-492i of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective January 1, 2012*):

3 (a) Each individual health insurance policy providing coverage of  
4 the type specified in subdivisions (1), (2), (4), (10), (11) and (12) of  
5 section 38a-469 delivered, issued for delivery, renewed, amended or  
6 continued in this state [on or after January 1, 2001,] shall provide  
7 access to a pain management specialist and coverage for pain  
8 treatment ordered by such specialist [which] that may include all  
9 means medically necessary to make a diagnosis and develop a  
10 treatment plan including the use of necessary medications and  
11 procedures.

12 (b) (1) No such policy that provides coverage for prescription drugs  
13 shall require an insured to use, prior to using a brand name  
14 prescription drug prescribed by a licensed physician for pain  
15 treatment, any alternative brand name prescription drugs or over-the-

16 counter drugs.

17 (2) Such policy may require an insured to use, prior to using a brand  
18 name prescription drug prescribed by a licensed physician for pain  
19 treatment, a therapeutically equivalent generic drug.

20 (c) As used in this section, "pain" means a sensation in which a  
21 person experiences severe discomfort, distress or suffering due to  
22 provocation of sensory nerves, and "pain management specialist"  
23 means a physician who is credentialed by the American Academy of  
24 Pain Management or who is a board-certified anesthesiologist,  
25 neurologist, oncologist or radiation oncologist with additional training  
26 in pain management.

27 Sec. 2. Section 38a-518i of the general statutes is repealed and the  
28 following is substituted in lieu thereof (*Effective January 1, 2012*):

29 (a) Each group health insurance policy providing coverage of the  
30 type specified in subdivisions (1), (2), (4), (10), (11) and (12) of section  
31 38a-469 delivered, issued for delivery, renewed, amended or continued  
32 in this state [on or after January 1, 2001,] shall provide access to a pain  
33 management specialist and coverage for pain treatment ordered by  
34 such specialist [which] that may include all means medically necessary  
35 to make a diagnosis and develop a treatment plan including the use of  
36 necessary medications and procedures.

37 (b) (1) No such policy that provides coverage for prescription drugs  
38 shall require an insured to use, prior to using a brand name  
39 prescription drug prescribed by a licensed physician for pain  
40 treatment, any alternative brand name prescription drugs or over-the-  
41 counter drugs.

42 (2) Such policy may require an insured to use, prior to using a brand  
43 name prescription drug prescribed by a licensed physician for pain  
44 treatment, a therapeutically equivalent generic drug.

45 (c) As used in this section, "pain" means a sensation in which a

46 person experiences severe discomfort, distress or suffering due to  
47 provocation of sensory nerves, and "pain management specialist"  
48 means a physician who is credentialed by the American Academy of  
49 Pain Management or who is a board-certified anesthesiologist,  
50 neurologist, oncologist or radiation oncologist with additional training  
51 in pain management.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2012</i>	38a-492i
Sec. 2	<i>January 1, 2012</i>	38a-518i

**Statement of Purpose:**

To prohibit individual and group health insurance policies that provide coverage for prescription drugs from requiring insureds to use, prior to using a brand name prescription drug prescribed by a licensed physician for pain treatment, any alternative brand name prescription drugs or over-the-counter drugs.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*