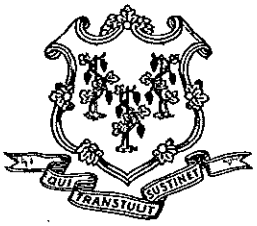
SENATOR MARTIN M. LOONEY
MAJORITY LEADER

Eleventh District
New Haven & Hamden



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January 31, 2013

Good afternoon Senator Crisco, Representative Megna and members of the Insurance and Real Estate Committee. I am here to testify in support of SB 599, AN ACT CONCERNING DISPENSATION AND INSURANCE COVERAGE OF A PRESCRIBED DRUG DURING REVIEW OF AN ADVERSE DETERMINATION OR A FINAL ADVERSE DETERMINATION, HB 5072, AN ACT CONCERNING AUTOMOTIVE GLASS WORK, and HB 5073 AN ACT CONCERNING MOTOR VEHICLE GLASS REPAIR SERVICE.

SB 599 would require, in cases where a denial of service is for a prescription drug, that the insurer provide the patient with the prescription drug through the course of the appeal. This protects the patient by giving him or her access to needed medication and encourages the insurer to resolve the case quickly. While it appears this bill would make Connecticut the first state to enact this patient protection, it is a reasonable step forward and consistent with the requirement under the Affordable Care Act regulations[1]

[1] 45 CFR 147.136(b)(2)(iii) states:

that in the internal appeals process, an insurer must cover, during the course of an appeal, any service that is currently being provided for a patient. Connecticut's statutes already require this coverage in the case of an expedited internal review.[2] In addition, under Connecticut's Medicaid Program, when a patient attempts to fill a prescription that requires prior authorization and the pharmacist is unable to acquire the prior authorization, the patient is given a 14 day supply of the drug as well as a notice on how to proceed and acquire the needed authorization for the drug going forward. The change that would be made by SB 599 would offer additional assistance to patients in our state who are navigating the complex puzzle that is our healthcare system..

I understand that there is some concern regarding the issue of mandates enacted after 12/31/2011 and state financial liability for them under the Affordable Care Act. I have made an inquiry with the U.S. Department of Health and Human Services (HHS) as to whether the provisions of this bill would be interpreted as a mandate after 12/31/2011. As I read the regulations, I do not believe that it is, but I would support adding language to forestall implementation of the bill if it is regarded as a mandate by HHS. I will share with the committee the answer from HHS as soon as I receive it.

(iii) *Requirement to provide continued coverage pending the outcome of an appeal.* A plan and issuer subject to the requirements of this paragraph (b)(2) are required to provide continued coverage pending the outcome of an appeal. For this purpose, the plan and issuer must comply with the requirements of 29 CFR 2560.503–1(f)(2)(ii), which generally provides that benefits for an ongoing course of treatment cannot be reduced or terminated without providing advance notice and an opportunity for advance review.

[2] **38a-591e (c)(3):** (3) If the review under subdivision (1) of this subsection is an expedited review of a grievance involving an adverse determination of a concurrent review urgent care request, the treatment shall be continued without liability to the covered person until the covered person has been notified of the review decision.

HB 5072 and HB 5073 would create a more equitable market in auto glass repair. These bills would require that the insurer inform the insured of his or her right to select the auto glass repairer of his or her choice. Under current law, insurance agents doing business in Connecticut may not require an insured to use a specific auto glass repair shop; this legislation simply requires that the insurer disclose this fact. The legislation would extend the current statutory requirements regarding other automobile repair to auto glass repair. It would protect consumers and encourage market competition. This legislation would create a more open market by preventing insurance companies from steering people to auto glass repair shops that are essentially subsidiaries of the insurers, and it would guarantee consumer choice.

Thank you for hearing these important bills.