



General Assembly

Raised Bill No. 394

February Session, 2014

LCO No. 1535



Referred to Committee on INSURANCE AND REAL ESTATE

Introduced by:
(INS)

AN ACT CONCERNING REQUIREMENTS FOR INSURERS' USE OF STEP THERAPY.

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

1 Section 1. Section 38a-510 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective January 1, 2015*):

3 (a) No [health insurance policy issued on an individual basis,
4 whether issued by an] insurance company, [a] hospital service
5 corporation, [a] medical service corporation, [or a] health care center [,
6 which] or other entity delivering, issuing for delivery, renewing,
7 amending or continuing an individual health insurance policy or
8 contract that provides coverage for prescription drugs may: [require
9 any]

10 (1) Require any person covered under such policy or contract to
11 obtain prescription drugs from a mail order pharmacy as a condition
12 of obtaining benefits for such drugs; [.] or

13 (2) Require, if such insurance company, hospital service corporation,

14 medical service corporation, health care center or other entity uses step
15 therapy for such drugs, the use of step therapy for any prescribed drug
16 for longer than thirty days. At the expiration of such time period, an
17 insured's treating health care provider may deem such step therapy
18 drug regimen clinically ineffective for the insured, at which time the
19 insurance company, hospital service corporation, medical service
20 corporation, health care center or other entity shall authorize
21 dispensation of and coverage for the drug prescribed by the insured's
22 treating health care provider, provided such drug is a covered drug
23 under such policy or contract. If such provider does not deem such
24 step therapy drug regimen clinically ineffective or has not requested
25 an override pursuant to subdivision (1) of subsection (b) of this section,
26 such drug regimen may be continued. For purposes of this section,
27 "step therapy" means a protocol or program that establishes the
28 specific sequence in which prescription drugs for a specified medical
29 condition are to be prescribed.

30 [(b) The provisions of this section shall apply to any such policy
31 delivered, issued for delivery, renewed, amended or continued in this
32 state on or after July 1, 2005.]

33 (b) (1) Notwithstanding the thirty-day period set forth in
34 subdivision (2) of subsection (a) of this section, each insurance
35 company, hospital service corporation, medical service corporation,
36 health care center or other entity that uses step therapy for such
37 prescription drugs shall establish and disclose to its health care
38 providers a process by which an insured's treating health care provider
39 may request at any time an override of the use of any step therapy
40 drug regimen. Any such override process shall be convenient to use by
41 health care providers and an override request shall be expeditiously
42 granted when an insured's treating health care provider demonstrates
43 that the drug regimen required under step therapy (A) has been
44 ineffective in the past for treatment of the insured's medical condition,
45 (B) is expected to be ineffective based on the known relevant physical
46 or mental characteristics of the insured and the known characteristics

47 of the drug regimen, (C) will cause or will likely cause an adverse
48 reaction by or physical harm to the insured, or (D) is not in the best
49 interest of the insured, based on medical necessity.

50 (2) Upon the granting of an override request, the insurance
51 company, hospital service corporation, medical service corporation,
52 health care center or other entity shall authorize dispensation of and
53 coverage for the drug prescribed by the insured's treating health care
54 provider, provided such drug is a covered drug under such policy or
55 contract.

56 (c) Nothing in this section shall (1) preclude an insured or an
57 insured's treating health care provider from requesting a review under
58 sections 38a-591c to 38a-591g, inclusive, or (2) affect the provisions of
59 section 38a-492i.

60 Sec. 2. Section 38a-544 of the general statutes is repealed and the
61 following is substituted in lieu thereof (*Effective January 1, 2015*):

62 (a) No [medical benefits contract on a group basis, whether issued
63 by an] insurance company, [a] hospital service corporation, [a] medical
64 service corporation, [or a] health care center [, which] or other entity
65 delivering, issuing for delivery, renewing, amending or continuing a
66 group health insurance policy or contract that provides coverage for
67 prescription drugs may; [require any]

68 (1) Require any person covered under such policy or contract to
69 obtain prescription drugs from a mail order pharmacy as a condition
70 of obtaining benefits for such drugs; [.] or

71 (2) Require, if such insurance company, hospital service corporation,
72 medical service corporation, health care center or other entity uses step
73 therapy for such drugs, the use of step therapy for any prescribed drug
74 for longer than thirty days. At the expiration of such time period, an
75 insured's treating health care provider may deem such step therapy
76 drug regimen clinically ineffective for the insured, at which time the
77 insurance company, hospital service corporation, medical service

78 corporation, health care center or other entity shall authorize
79 dispensation of and coverage for the drug prescribed by the insured's
80 treating health care provider, provided such drug is a covered drug
81 under such policy or contract. If such provider does not deem such
82 step therapy drug regimen clinically ineffective or has not requested
83 an override pursuant to subdivision (1) of subsection (b) of this section,
84 such drug regimen may be continued. For purposes of this section,
85 "step therapy" means a protocol or program that establishes the
86 specific sequence in which prescription drugs for a specified medical
87 condition are to be prescribed.

88 [(b) The provisions of this section shall apply to any such medical
89 benefits contract delivered, issued for delivery or renewed in this state
90 on or after July 1, 1989.]

91 (b) (1) Notwithstanding the thirty-day period set forth in
92 subdivision (2) of subsection (a) of this section, each insurance
93 company, hospital service corporation, medical service corporation,
94 health care center or other entity that uses step therapy for such
95 prescription drugs shall establish and disclose to its health care
96 providers a process by which an insured's treating health care provider
97 may request at any time an override of the use of any step therapy
98 drug regimen. Any such override process shall be convenient to use by
99 health care providers and an override request shall be expeditiously
100 granted when an insured's treating health care provider demonstrates
101 that the drug regimen required under step therapy (A) has been
102 ineffective in the past for treatment of the insured's medical condition,
103 (B) is expected to be ineffective based on the known relevant physical
104 or mental characteristics of the insured and the known characteristics
105 of the drug regimen, (C) will cause or will likely cause an adverse
106 reaction by or physical harm to the insured, or (D) is not in the best
107 interest of the insured, based on medical necessity.

108 (2) Upon the granting of an override request, the insurance
109 company, hospital service corporation, medical service corporation,
110 health care center or other entity shall authorize dispensation of and

111 coverage for the drug prescribed by the insured's treating health care
112 provider, provided such drug is a covered drug under such policy or
113 contract.

114 (c) Nothing in this section shall (1) preclude an insured or an
115 insured's treating health care provider from requesting a review under
116 sections 38a-591c to 38a-591g, inclusive, or (2) affect the provisions of
117 section 38a-518i.

This act shall take effect as follows and shall amend the following sections:		
Section 1	January 1, 2015	38a-510
Sec. 2	January 1, 2015	38a-544

INS *Joint Favorable*