



General Assembly

Amendment

February Session, 2014

LCO No. 5061

SB0018605061HDO

Offered by:

REP. MEGNA, 97th Dist.
SEN. LOONEY, 11th Dist.
SEN. CRISCO, 17th Dist.

To: Senate Bill No. 186

File No. 58

Cal. No. 416

(As Amended by Senate Amendment Schedule "A")

**"AN ACT CONCERNING DISPENSATION AND INSURANCE
COVERAGE OF A PRESCRIBED DRUG DURING REVIEW OF AN
ADVERSE DETERMINATION OR A FINAL ADVERSE
DETERMINATION."**

1 Strike subparagraph (C) of subdivision (1) of subsection (b) of
2 section 1 in its entirety and insert the following in lieu thereof:

3 "(C) (i) If the review under subparagraph (A) of this subdivision is a
4 review of a grievance involving a prospective review request relating
5 to the dispensing of a drug for a chronic disease, other than a schedule
6 II or III controlled substance, that is prescribed by a licensed
7 participating provider who is a specialist in such chronic disease, the
8 health carrier shall issue an electronic authorization to the covered
9 person's pharmacy for the dispensing of a temporary supply of such
10 drug sufficient for the duration of such review until the covered

11 person has been notified of the review decision. Such authorization
12 shall include confirmation of the availability of payment for such
13 supply of such drug.

14 (ii) Not later than twenty-four hours after the health carrier has
15 issued such authorization to the pharmacy and prior to the pharmacy's
16 dispensation of such drug, such health carrier shall confirm with such
17 participating provider the provider's concurrence with the dispensing
18 of such temporary supply of such drug. If such participating provider
19 does not concur, the health carrier shall cancel such authorization.

20 (iii) The provisions of this subparagraph shall not apply to a
21 grievance or review of an adverse determination under this section
22 concerning the substitution of a generic drug or another brand name
23 drug for a prescribed brand name drug unless the prescribing licensed
24 participating provider has specified that there shall be no substitution
25 for the specified brand name drug."

26 Strike subdivision (4) of subsection (c) of section 2 in its entirety and
27 insert the following in lieu thereof:

28 "(4) (A) If the review under subdivision (1) of this subsection is a
29 review of a grievance involving a prospective review request relating
30 to the dispensing of a drug for a chronic disease, other than a schedule
31 II or III controlled substance, that is prescribed by a licensed
32 participating provider who is a specialist in such chronic disease, the
33 health carrier shall issue an electronic authorization to the covered
34 person's pharmacy for the dispensing of a temporary supply of such
35 drug sufficient for the duration of such review until the covered
36 person has been notified of the review decision. Such authorization
37 shall include confirmation of the availability of payment for such
38 supply of such drug.

39 (B) Not later than twenty-four hours after the health carrier has
40 issued such authorization to the pharmacy and prior to the pharmacy's
41 dispensation of such drug, such health carrier shall confirm with such

42 participating provider the provider's concurrence with the dispensing
43 of such temporary supply of such drug. If such participating provider
44 does not concur, the health carrier shall cancel such authorization.

45 (C) The provisions of this subdivision shall not apply to a grievance
46 or review of an adverse determination under this section concerning
47 the substitution of a generic drug or another brand name drug for a
48 prescribed brand name drug unless the prescribing licensed
49 participating provider has specified that there shall be no substitution
50 for the specified brand name drug."