

MAINE STATE LEGISLATURE

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SAC
ROES

L.D. 1268

Date: 6/15/21

(Filing No. S-313)

MAJORITY

HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES

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STATE OF MAINE

SENATE

130TH LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 420, L.D. 1268, "An Act To Provide Greater Access to Treatment for Serious Mental Illness by Prohibiting an Insurance Carrier from Requiring Prior Authorization or Step Therapy Protocol"

Amend the bill by striking out the title and substituting the following:

'An Act To Provide Greater Access to Treatment for Serious Mental Illness by Restricting Prescription Drug Utilization Management by an Insurance Carrier'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 24-A MRSA §4304, sub-§2-C is enacted to read:

2-C. Prior authorization of prescription drugs used for assessment and treatment of serious mental illness. Notwithstanding any requirement of this section to the contrary, a carrier shall approve a prior authorization request for medication on the carrier's prescription drug formulary that is prescribed to assess or treat an enrollee's serious mental illness. For the purposes of this subsection, "serious mental illness" means a mental disorder, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association, that results in serious functional impairment that substantially interferes with or limits one or more major life activities. The superintendent may adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 24-A MRSA §4320-N, sub-§1, ¶D-1 is enacted to read:

D-1. "Serious mental illness" means a mental disorder, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association, that results in serious functional impairment that substantially interferes with or limits one or more major life activities.

Sec. 3. 24-A MRSA §4320-N, sub-§6, ¶B, as enacted by PL 2019, c. 295, §1 and reallocated by RR 2019, c. 1, Pt. A, §26, is amended by amending subparagraph (4) to read:

COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "A" to S.P. 420, L.D. 1268 (S-313)

(4) The required prescription drug is not in the best interest of the enrollee, based on medical necessity; or

Sec. 4. 24-A MRSA §4320-N, sub-§6, ¶B, as enacted by PL 2019, c. 295, §1 and reallocated by RR 2019, c. 1, Pt. A, §26, is amended by amending subparagraph (5) to read:

(5) The enrollee is stable on a prescription drug selected by the enrollee's health care provider for the medical condition under consideration while on a current or previous health insurance or health plan; or

Sec. 5. 24-A MRSA §4320-N, sub-§6, ¶B, as enacted by PL 2019, c. 295, §1 and reallocated by RR 2019, c. 1, Pt. A, §26, is amended by enacting a new subparagraph (6) to read:

(6) The prescription drug selected by the enrollee's health care provider is intended to assess or treat the enrollee's serious mental illness.

Sec. 6. Application. The requirements of this Act apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2022. For the purposes of this Act, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment, which is the majority report of the committee, replaces the bill. The amendment requires a health insurance carrier to approve a prior authorization request for medication on the carrier's formulary prescribed to assess or treat an enrollee's serious mental illness. The amendment also requires a carrier to provide an exception to step therapy protocols for prescription drugs selected by the enrollee's health care provider intended to assess or treat the enrollee's serious mental illness. The requirements apply to health insurance policies issued or renewed on or after January 1, 2022.

FISCAL NOTE REQUIRED

(See attached)



130th MAINE LEGISLATURE

LD 1268

LR 1704(02)

An Act To Provide Greater Access to Treatment for Serious Mental Illness by Prohibiting an Insurance Carrier from Requiring Prior Authorization or Step Therapy Protocol

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-313)
Committee: Health Coverage, Insurance and Financial Services

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - All Funds

Fiscal Detail and Notes

Any additional costs to the State Employee Health Plan to approve a prior authorization request for certain medications are expected to be minor and can be absorbed within existing budgeted resources, and any costs would likely be reflected through changes in premium amounts in future fiscal years. Any additional costs to the Department of Professional and Financial Regulation to adopt rules are expected to be minor and can be absorbed within existing budgeted resources.