

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 1268

S.P. 420

In Senate, March 29, 2021

**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**

Received by the Secretary of the Senate on March 25, 2021. Referred to the Committee on Health Coverage, Insurance and Financial Services pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator STEWART of Aroostook.
Cosponsored by Senators: DIAMOND of Cumberland, ROSEN of Hancock, SANBORN of Cumberland, Representatives: COPELAND of Saco, EVANS of Dover-Foxcroft, HYMANSON of York, MORRIS of Turner, WHITE of Waterville.

1 **Be it enacted by the People of the State of Maine as follows:**

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

3 **2-C. Prior authorization and step therapy of treatment for serious mental illness.**

4 A carrier may not require prior authorization or step therapy protocol as defined in section
5 4320-N, subsection 1, paragraph G for the prescription of medication used to assess or treat
6 an enrollee's serious mental illness. For the purposes of this subsection, "serious mental
7 illness" means a mental disorder, as defined in the most recent edition of the Diagnostic
8 and Statistical Manual of Mental Disorders published by the American Psychiatric
9 Association, that results in serious functional impairment that substantially interferes with
10 or limits one or more major life activities. The superintendent may adopt rules to
11 implement this subsection. Rules adopted pursuant to this subsection are routine technical
12 rules as defined in Title 5, chapter 375, subchapter 2-A.

13 **Sec. 2. Application.** The requirements of this Act apply to all policies, contracts
14 and certificates executed, delivered, issued for delivery, continued or renewed in this State
15 on or after January 1, 2022. For the purposes of this Act, all contracts are deemed to be
16 renewed no later than the next yearly anniversary of the contract date.

17 **SUMMARY**

18 This bill prohibits an insurance carrier from requiring prior authorization or step
19 therapy protocol for the prescription of medication to assess or treat an enrollee's serious
20 mental illness.