

2019 Regular Session

HOUSE BILL NO. 119

BY REPRESENTATIVE BISHOP

1 AN ACT

2 To amend and reenact R.S. 22:1053(A) and (D) and 1060.2(introductory paragraph) and to  
3 enact R.S. 22:1053(E) and 1060.2(4), relative to the coverage of prescription drugs  
4 through a formulary; to require an insurer to provide a prescriber with a list of the  
5 alternative comparable formulary medications; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 22:1053(A) and (D) and 1060.2(introductory paragraph) are hereby  
8 amended and reenacted and R.S. 22:1053(E) and 1060.2(4) are hereby enacted to read as  
9 follows:

10 §1053. Requirement for coverage of step therapy or fail first protocols

11 A. ~~Notwithstanding the provisions of R.S. 22:1047 to the contrary, any~~ Any  
12 ~~health care~~ coverage plan specified in Subsection ~~D~~ E of this Section which includes  
13 prescription benefits as part of its policy or contract, which utilizes step therapy or  
14 fail first protocols, and which is issued for delivery, delivered, renewed, or otherwise  
15 contracted for in this state on or after January 1, 2011, shall comply with the  
16 provisions of this Section.

17 \* \* \*

18 D.(1) If a prescribed drug is denied by a health coverage plan based upon  
19 step therapy or fail first protocols, the health coverage plan shall provide the  
20 prescriber with a list of the alternative comparable formulary medications in writing  
21 and attached to the letter of denial of prescription drug coverage.

22 (2) It shall be deemed sufficient to meet the requirements of this Subsection  
23 if a health coverage plan includes the information required by this Subsection in the  
24 denial letter sent by the health coverage plan or its agent. For any request made by



1                   (d) Simple notification of the availability and location of the formulary shall  
2                   not be deemed sufficient to meet the requirements of this Paragraph.

3                   Section 2. This Act shall become effective on January 1, 2020. However, the  
4 provisions regarding notices that are sent in a manner other than electronically, shall not be  
5 enforceable against any health insurance issuer or health maintenance organization for acts  
6 taking place prior to July 1, 2020.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_