

2024 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 96

BY REPRESENTATIVE BROWN

A CONCURRENT RESOLUTION

To authorize and request the Department of Insurance to create the Louisiana Alternative Funding Program Task Force to study the impact of alternative funding programs on patient access to affordable prescription drugs.

WHEREAS, ensuring access to medically necessary medication is critical to the health outcomes of patients in Louisiana; and

WHEREAS, according to survey data, as many as eight percent of health coverage plans are using alternative funding programs, and thirty-one percent are exploring their use; and

WHEREAS, alternative funding program vendors have been reported to remove health plan coverage for specialty drugs prescribed to a patient or specialty drugs altogether, despite the fact that the patient continues to make payments for prescription drug coverage under a health coverage plan; and

WHEREAS, an alternative funding program's removal of coverage may be done to disguise the patient as uninsured or underinsured for the purpose of the patient applying and qualifying for assistance from needs-based patient assistance programs; and

WHEREAS, shifting of patients who otherwise have purchased prescription drug coverage to patient assistance programs could threaten the availability of needs-based assistance for those who truly qualify for the use of patient assistance programs; and

WHEREAS, a patient assistance program may reject patients when detecting that the patient is being disguised as uninsured, leading to significant delays in care, loss of access to medication, or causing a forced switch to a medication not prescribed by the patient's doctor; and

WHEREAS, it is important for Louisiana to ensure that patient assistance programs remain sustainable and available to support the population for which they are intended.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby authorize and request the Department of Insurance to create the Louisiana Alternative Funding Program Task Force to study the impact of alternative funding programs on patient access to affordable prescription drugs.

BE IT FURTHER RESOLVED that the Louisiana Alternative Funding Program Task Force shall be comprised of the following members:

- (1) The commissioner of insurance.
- (2) The chief executive officer of the Louisiana State Medical Society.
- (3) The executive director of the Louisiana Oncology Society.
- (4) The founder of the Survivor's Cancer Action Network - SCAN.
- (5) The president of the Rheumatology Alliance of Louisiana.
- (6) The executive director of the Coalition of State Rheumatology Organizations.
- (7) The chief executive officer of the Louisiana Association of Health Plans.
- (8) The president of Health Agents for America.
- (9) The president of the Louisiana Association of Health Underwriters.
- (10) The chief executive officer of the Louisiana Business Group on Health.
- (11) The regional director, state affairs, of AHIP (formerly America's Health Insurance Plans).
- (12) The president of the Louisiana AFL-CIO.
- (13) The president of the Pharmaceutical Care Management Association.
- (14) The chief executive officer of Pharmaceutical Research and Manufacturers of America.
- (15) The chief executive officer of the Louisiana Independent Pharmacies Association.

BE IT FURTHER RESOLVED that the Louisiana Alternative Funding Program Task Force shall study all of the following:

- (1) The history and prevalence of alternative funding programs in the United States and Louisiana, including but not limited to the types of health insurance products that utilize, all or in part, alternative funding programs to provide access, coverage, or discounts for prescription drugs.
- (2) The business model of alternative funding programs.

(3) The impact of alternative funding programs on patient assistance programs for prescription medications, including but not limited to long-term stability of those patient assistance programs if an upswing in alternative funding programs is realized across an increased number of health insurance products.

(4) The impact of alternative funding programs on coverage of prescription medications if the utilization of alternative funding programs is expanded across additional insurance products, including but not limited to commercial health coverage plans, health coverage plans offered to public employees, and health coverage plans offered to individuals in the state's health insurance exchange.

BE IT FURTHER RESOLVED that the commissioner of insurance shall serve as the chairman of the task force and the staff of the Department of Insurance shall provide support to the task force.

BE IT FURTHER RESOLVED that each appointed member of the task force may appoint a designee who shall serve on the task force on his behalf.

BE IT FURTHER RESOLVED that the members of the task force shall serve without compensation, except per diem or expense reimbursement to which they may be individually entitled as members of their constituent organizations.

BE IT FURTHER RESOLVED that a majority of the total membership shall constitute a quorum of the task force, and any official action by the task force shall require an affirmative vote of a majority of the quorum present and voting.

BE IT FURTHER RESOLVED that the names of the members designated in this Resolution shall be submitted to the chairman of the task force by July 15, 2024, and the chairman shall thereafter call the first meeting of the task force by August 15, 2024.

BE IT FURTHER RESOLVED that the task force shall meet as necessary and provide a written report of its findings from the study, together with any recommendations for legislation, to the House Committee on Insurance, the Senate Committee on Insurance, and the David R. Poynter Legislative Research Library no later than December 31, 2024.

BE IT FURTHER RESOLVED that the task force shall terminate upon the date of submission of its report.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the commissioner of insurance; the chief executive officer of the Louisiana State Medical

Society; the executive director of the Louisiana Oncology Society; the founder of the Survivor's Cancer Action Network - SCAN; the president of the Rheumatology Alliance of Louisiana; the executive director of the Coalition of State Rheumatology Organizations; the chief executive officer of the Louisiana Association of Health Plans; the president of Health Agents for America; the president of the Louisiana Association of Health Underwriters; the chief executive officer of the Louisiana Business Group on Health; the regional director, state affairs, of AHIP; the president of the Louisiana AFL-CIO; the president of the Pharmaceutical Care Management Association; the chief executive officer of Pharmaceutical Research and Manufacturers of America; and the chief executive officer of the Louisiana Independent Pharmacies Association.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE