

2018 Regular Session

SENATE BILL NO. 285

BY SENATOR GARY SMITH

HEALTH/ACC INSURANCE. Prohibits a health insurance issuer from denying a nonopioid prescription in favor of an opioid prescription. (8/1/18)

1 AN ACT

2 To enact R.S. 22:1060.7, relative to prescriptions for chronic pain; to prohibit the denial of  
3 coverage for a nonopioid prescription in favor of an opioid prescription; to provide  
4 with respect to opioid prescriptions deemed medically necessary and prescribed by  
5 a licensed physician; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 22:1060.7 is hereby enacted to read as follows:

8 **§1060.7. Prescription medication for chronic pain**

9 **A. Notwithstanding any provision of law to the contrary, when a**  
10 **licensed physician prescribes a nonopioid medication for the treatment of**  
11 **chronic pain, it shall be unlawful for a health insurance issuer to deny coverage**  
12 **of the nonopioid prescription drug in favor of an opioid prescription drug.**

13 **B. When an opioid prescription is deemed medically necessary and**  
14 **prescribed by a licensed physician, it shall be unlawful for an insurer to deny**  
15 **a prescribed medication and attempt to substitute an alternative medication**  
16 **that requires any of the following:**

17 **(1) An increased number of pills per prescription.**

1                    **(2) A higher Drug Enforcement Administration schedule medication**  
2                    **than the one prescribed.**

3                    **(3) The substitution of a medication that does not have defined abuse**  
4                    **deterrent properties for a prescription of a medication that does have defined**  
5                    **abuse deterrent properties.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Cheryl Cooper.

DIGEST

SB 285 Original                    2018 Regular Session                    Gary Smith

Present law defines "health insurance issuer" as an entity that offers a health benefit plan through a policy, contract, or certificate of insurance subject to state law that regulates the business of insurance.

Present law defines "prescription drug" as:

- (1) A substance for which federal or state law requires a prescription before the substance may be legally dispensed to the public.
- (2) A drug or device that under federal law is required, before being dispensed or delivered, to be labeled with the statement: "Caution: Federal law prohibits dispensing without prescription" or "Rx only" or another legend that complies with federal law.
- (3) A drug or device that is required by federal or state statute or regulation to be dispensed on prescriptions or that is restricted to use by a physician or other authorized prescriber.

Proposed law prohibits a health insurance issuer from denying coverage of a non-opioid prescription drug in favor of an opioid prescription drug.

Proposed law provides when opioids are deemed medically necessary by a licensed physician, it shall be unlawful for an insurer to deny a physician prescribed medication and recommend an alternative prescription which requires any of the following:

- (1) An increased number of pills per prescription.
- (2) A higher Drug Enforcement Administration schedule medication than the one prescribed.
- (3) The substitution of a medication that does not have defined abuse deterrent properties for a prescription of a medication that does have defined abuse deterrent properties.

Effective August 1, 2018.

(Adds R.S. 22:1060.7)