

SENATE BILL NO. 29

BY SENATOR MILLS

1 AN ACT

2 To amend and reenact R.S. 22:1006.1(A)(4) and (B) and R.S. 46:460.33 and to enact R.S.
3 22:1006.1(C), (D), and (E), and 1651(J), relative to a single uniform prescription
4 drug prior authorization form; to provide for applicability to health insurance issuers
5 and Medicaid managed care organizations; to provide for promulgation of the form
6 by the Louisiana Board of Pharmacy and the Louisiana State Board of Medical
7 Examiners; to provide for the authority to impose sanctions pursuant to current
8 regulatory and contract authority; to provide for licensure requirement; to provide
9 for an effective date; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 22:1006.1(A)(4) and (B) are hereby amended and reenacted and R.S.
12 22:1006.1(C), (D), and (E) and 1651(J) are hereby enacted to read as follows:

13 §1006.1. Prior authorization forms required; criteria

14 A. As used in this Section:

15 * * *

16 (4) "Prior authorization form" shall mean a ~~standardized, uniform application~~
17 ~~developed by a health insurance issuer~~ **single uniform prescription drug prior**
18 **authorization form used by all health insurance issuers, including any health**
19 **insurance issuer pharmacy benefit managers,** for the purpose of obtaining prior
20 authorization.

21 B. Notwithstanding any other provision of law to the contrary, in order to
22 establish uniformity in the submission of **prescription drug** prior authorization
23 forms, on and after January 1, ~~2013~~ **2019**, a health insurance issuer shall utilize only
24 a single, ~~standardized prior authorization~~ **uniform prescription drug prior**
25 **authorization** form for obtaining any prior authorization for prescription drug
26 benefits. **The requirement for a single uniform prescription drug prior**
27 **authorization form shall not apply to prior authorization of specialty drugs or**

1 in cases where electronic prescriptions are utilized. The form shall not exceed two
 2 pages in length, excluding any instructions or guiding documentation. The only
 3 form allowable for use shall be the form jointly promulgated by the Louisiana
 4 Board of Pharmacy and the Louisiana State Board of Medical Examiners. A
 5 health insurance issuer may include issuer specific information on the form,
 6 including but not limited to the issuer's name, address, logo, and other contact
 7 information for the issuer. A health insurance issuer may make the form accessible
 8 through multiple computer operating systems. ~~Additionally, the health insurance~~
 9 ~~issuer shall submit its prior authorization forms to the Department of Insurance to be~~
 10 ~~kept on file on or after January 1, 2013. A copy of any subsequent replacements or~~
 11 ~~modifications of a health insurance issuer's prior authorization form shall be filed~~
 12 ~~with the Department of Insurance within fifteen days prior to use or implementation~~
 13 ~~of such replacements or modifications.~~

14 C. The Louisiana Board of Pharmacy and the Louisiana State Board of
 15 Medical Examiners shall promulgate rules and regulations prior to January 1,
 16 2019, that establish the form that shall be utilized by all health insurance
 17 issuers. The boards may consult with the health insurance issuers, Medicaid
 18 managed care organizations, Louisiana Department of Health, and Department
 19 of Insurance as necessary in development of the prior authorization form.

20 D. The Department of Insurance, under its authority in this Title, shall
 21 assess sanctions against any health insurance issuer that directly, or through its
 22 pharmacy benefit managers, utilizes any prescription drug prior authorization
 23 form other than the single uniform prescription drug prior authorization form
 24 provided for in this Section.

25 E. The single uniform prescription drug prior authorization form
 26 provided for in this Section shall be the same as provided for in R.S. 46:460.33.

27 §1651. Licensure required

28 * * *

29 J.(1) Notwithstanding any provision of law to the contrary, an insurer
 30 or pharmacy benefit manager shall not require any license, accreditation,

1 affiliation, or registration other than those required by federal or state
 2 government. Any contract provision in conflict with this Subsection shall be
 3 severable from the contract, considered null and void, and not enforceable in
 4 this state.

5 (2) If any insurer or pharmacy benefit manager denies the jurisdiction,
 6 regulatory, or licensing authority of the Department of Insurance, the attorney
 7 general shall have authority to enforce any provisions of this Subsection, as well
 8 as subjecting the insurer or pharmacy benefit manager to the provisions of R.S.
 9 51:1401 et seq.

10 Section 2. R.S. 46:460.33 is hereby amended and reenacted to read as follows:

11 §460.33. Prior authorization form; requirements

12 A. There shall be a single uniform prescription drug prior authorization
 13 form used by all Medicaid managed care organizations, including any Medicaid
 14 managed care organization pharmacy benefit managers. The requirement for
 15 a single uniform prescription drug prior authorization form shall not apply to
 16 prior authorization of specialty drugs or in cases where electronic prescriptions
 17 are utilized. All managed care organizations shall accept, ~~in addition to any~~
 18 ~~currently accepted facsimile and electronic prior authorization forms, a standard use~~
 19 a single uniform prescription drug prior authorization form, not to exceed two
 20 pages, excluding guidelines or instructions, that has been ~~duly~~ jointly promulgated
 21 by the department Louisiana Board of Pharmacy and the Louisiana State Board
 22 of Medical Examiners in accordance with the Administrative Procedure Act. A
 23 Medicaid managed care organization may include organization specific
 24 information on the form, including but not limited to the organization's name,
 25 address, logo, and other contact information for the organization. A health care
 26 provider may submit the prior authorization form electronically if the Medicaid
 27 managed care organization allows for submission of the form in this manner.

28 B. The department Louisiana Board of Pharmacy and the Louisiana State
 29 Board of Medical Examiners shall promulgate rules and regulations prior to
 30 January 1, ~~2014~~ 2019, that establish the form which shall be utilized by all Medicaid

1 managed care organizations. The ~~department~~ **boards** may consult with the **health**
2 **insurance issuers, Medicaid** managed care organizations, **Louisiana Department**
3 **of Health, and Department of Insurance** as necessary in development of the prior
4 authorization form.

5 **C. Pursuant to its contract with any Medicaid managed care**
6 **organization, the department shall assess sanctions against any Medicaid**
7 **managed care organization that directly or through its pharmacy benefit**
8 **managers, utilizes any prescription drug prior authorization form other than**
9 **the single uniform prescription drug prior authorization form provided for in**
10 **this Section.**

11 **D. The single uniform prescription drug prior authorization form**
12 **provided for in this Section shall be the same as provided for in R.S. 22:1006.1.**

13 Section 3. The provisions of this Section and Section 1 of this Act shall become
14 effective upon signature by the governor or, if not signed by the governor, upon expiration
15 of the time for bills to become law without signature by the governor, as provided by Article
16 III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently
17 approved by the legislature, this Section and Section 1 of this Act shall become effective on
18 the day following such approval.

19 Section 4. The provisions of this Section and Section 2 of this Act shall become
20 effective on January 1, 2019.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____