

2019 Regular Session

HOUSE BILL NO. 370

BY REPRESENTATIVE STOKES

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

INSURANCE/HEALTH: Provides relative to prescription drug benefits for persons with stage-four advanced, metastatic cancer

1 AN ACT

2 To amend and reenact R.S. 22:1053(A) and (D) and to enact R.S. 22:1053(E), relative to
3 prescription drug benefits for persons with stage-four advanced, metastatic cancer;
4 to prohibit denial of a prescription based upon step therapy or fail first protocols; to
5 define key terms; to provide for an effective date; 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) are hereby amended and reenacted and R.S.
8 22:1053(E) is enacted to read as follows:

9 §1053. Requirement for coverage of step therapy or fail first protocols

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

16 * * *

17 D. No health coverage plan shall use step therapy or fail first protocols as the
18 basis to restrict any prescription benefit for the treatment of stage-four advanced,
19 metastatic cancer or associated conditions if the prescribed drug is both of the
20 following:

1 (1) Consistent with best practices for the treatment of stage-four advanced,
2 metastatic cancer or associated conditions.

3 (2) Supported by peer-reviewed, evidenced-based medical literature.

4 E.(1) As used in this Section, a "health coverage plan" shall mean any
5 hospital, health, or medical expense insurance policy, hospital or medical service
6 contract, employee welfare benefit plan, contract or agreement with a health
7 maintenance organization or a preferred provider organization, health and accident
8 insurance policy, or any other insurance contract of this type, including a group
9 insurance plan and the Office of Group Benefits programs.

10 (2) As used in this Section, "stage-four advanced, metastatic cancer" means
11 cancer that has spread from the lymph nodes or other areas or parts of the body.

12 Section 2. This Act shall become effective upon signature by the governor or, if not
13 signed by the governor, upon expiration of the time for bills to become law without signature
14 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
15 vetoed by the governor and subsequently approved by the legislature, this Act shall become
16 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 370 Original

2019 Regular Session

Stokes

Abstract: Prohibits a health insurer from using step therapy or fail first protocols as the basis to restrict any prescription benefit for the treatment of a person with stage-four advanced, metastatic cancer.

Present law requires any health coverage plan which includes prescription benefits as part of its policy or contract, which utilizes step therapy or fail first protocols, and which is issued for delivery, delivered, renewed, or otherwise contracted for in this state on or after Jan. 1, 2011, to comply with the provisions of present law.

Proposed law retains present law but makes technical changes including the removal of a reference to a repealed statute.

Proposed law prohibits a health coverage plan from using step therapy or fail first protocols as the basis to restrict any prescription benefit for the treatment of stage-four advanced, metastatic cancer or associated conditions if the prescribed drug is consistent with best practices for the treatment of stage-four advanced, metastatic cancer or associated conditions and supported by peer-reviewed, evidenced-based medical literature.

Proposed law defines "stage-four advanced, metastatic cancer" as cancer that has spread from the lymph nodes or other areas or parts of the body.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 22:1053(A) and (D); Adds R.S. 22:1053(E))