The original instrument was prepared by Beth O'Quin. The following digest, which does not constitute a part of the legislative instrument, was prepared by Cheryl Serrett.

DIGEST

SB 394 Reengrossed

2022 Regular Session

Bernard

Proposed law prohibits a health benefit plan delivered or issued for delivery in this state to limit or exclude coverage involving a minor for a drug approved by the United States Food and Drug Administration (FDA) based on the drug if prescribed for a use different from what the drug was approved for and all of the following applies:

- (1) The drug is approved by the FDA.
- The drug is prescribed by a contracting licensed health care professional and it is medically (2)necessary for the treatment of a life threatening, chronic, or seriously debilitating disease or condition in a minor and the drug has been approved by the United States Food and Drug Administration for the same condition or disease in an adult and the drug is medically necessary to treat that disease or condition.
- The drug is recognized for treatment of that disease or condition in pediatric application by (3) one of the following:
 - (a) The American Medical Association Drug Evaluations.
 - The American Hospital Formulary Service Drug Information. (b)
 - The United States Pharmacopoeia Dispensing Information, Volume 1, "Drug (c) Information for the Health Care Professional".
 - (d) Two articles from major peer reviewed medical journals presented data supporting the proposed off-label use or uses as generally safe and effective unless there is clear and convincing contradictory evidence presented in a major peer reviewed journal.
- The drug is on the insurer's formulary or preferred drug list, if any. (4)

Proposed law requires the prescriber is responsible for submitting documentation to support compliance with the proposed law if requested by the health insurance insurer.

Proposed law provides the health coverage plan is not required to provide coverage for all of the following:

(1)A treatment for a condition or disease that is excluded under the terms of the health coverage plan.

- (2) Experimental drugs not approved by the FDA.
- (3) A drug not listed on the health coverage plan formulary or preferred drug list, if any.

<u>Proposed law</u> provides coverage can be subject to annual deductibles, coinsurance, and copayment provisions established under the health coverage plan and coverage can be subject to prior authorization.

Proposed law defines "health coverage plan".

Effective January 1, 2023.

(Adds R.S. 22:1060.8)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Insurance to the original bill

- 1. Limits application of the bill to minors.
- 2. Deletes definitions for "chronic and seriously debilitating" and "life-threatening".

Senate Floor Amendments to engrossed bill

1. Provides an effective date of 1/1/2023.