

2024 Regular Session

HOUSE BILL NO. 839

BY REPRESENTATIVES HEBERT, BAGLEY, BRAUD, ILLG, AND WILDER

INSURANCE/HEALTH: Provides relative to step therapy or fail first protocols

1 AN ACT

2 To amend and reenact R.S. 22:1053(A)(1) and (L) and to enact R.S. 22:1053(M), relative
3 to step therapy or fail first protocols; to require coverage for prescribed ventilators
4 when certain criteria apply; to provide for technical changes; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 22:1053(A)(1) and (L) are hereby amended and reenacted and R.S.
8 22:1053(M) is hereby enacted to read as follows:

9 §1053. Requirement for coverage of step therapy or fail first protocols; prohibitions;
10 definitions

11 A.(1) Any health coverage plan specified in Subsection ~~E~~ M of this Section
12 which includes prescription benefits as part of its policy or contract, which utilizes
13 step therapy or fail first protocols, and which is issued for delivery, delivered,
14 renewed, or otherwise contracted for in this state shall comply with the provisions
15 of this Section.

16 * * *

17 L. Notwithstanding any provision of this Section to the contrary, a health
18 coverage plan shall not subject a prescription or order for a ventilator to any step
19 therapy or fail first protocol when either of the following applies:

20 (1) The ventilator requires frequent or substantial servicing as classified by
21 the Centers for Medicare and Medicaid Services and described in R.S. 22:1821(G).

1 (2) There is clinical evidence or patient history that suggests the alternative
2 treatments required under the protocol will be less effective or cause an adverse
3 reaction to the patient.

4 M. As used in this Section, the following definitions ~~shall~~ apply:

5 (1) "Health coverage plan" means:

6 (a) An individual or group plan or program which is established by contract,
7 certificate, law, plan, policy, subscriber agreement, or by any other method and
8 which is entered into, issued, or offered for the purpose of arranging for, delivering,
9 paying for, providing, or reimbursing any of the costs of health or medical care,
10 including pharmacy services, drugs, or devices.

11 (b) Any hospital, health, or medical expense insurance policy, hospital or
12 medical service contract, employee welfare benefit plan, contract or agreement with
13 a health maintenance organization or a preferred provider organization, health and
14 accident insurance policy, or any other insurance contract of this type, including a
15 group insurance plan and the Office of Group Benefits programs.

16 (c) Any plan that is subject to the provisions of this Section which is
17 administered by a pharmacy benefit manager.

18 (2) "Stage-four advanced, metastatic cancer" means cancer that has spread
19 from the lymph nodes or other areas or parts of the body and "associated conditions"
20 means the symptoms or side effects associated with stage-four advanced, metastatic
21 cancer or its treatment.

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 839 Engrossed

2024 Regular Session

Hebert

Abstract: Provides insurance coverage relative to step therapy or fail first protocols.

Present law generally provides certain requirements for health coverage plans using step therapy or fail first protocols. Provides a process for prescribing physicians to request an override of a health coverage plan's restrictions. Proposed law retains present law.

Proposed law prohibits a health coverage plan from subjecting a prescription or order for a ventilator to any step therapy or fail first protocol when either of the following applies:

- (1) The ventilator requires frequent or substantial servicing, as classified by the Centers for Medicare and Medicaid Services and described in present law (R.S. 22:1821(G)).
- (2) There is clinical evidence or patient history that suggests the alternative treatments required under the protocol will be less effective or cause an adverse reaction to the patient.

Proposed law makes technical changes to citations in present law.

(Amends R.S. 22:1053(A)(1) and (L); Adds R.S. 22:1053(M))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Insurance to the original bill:

1. Remove proposed law language to exclusively apply proposed law to ventilators that meet certain criteria. Prohibit a health coverage plan from subjecting a prescription or order for such ventilators to any step therapy or fail first protocol.
2. Make technical changes.