

# ACT No. 453

2024 Regular Session

HOUSE BILL NO. 839

BY REPRESENTATIVES HEBERT, ADAMS, BAGLEY, BAYHAM, BILLINGS, BRAUD, CARVER, CHASSION, COX, DOMANGUE, EDMONSTON, EGAN, FISHER, FREIBERG, GREEN, HENRY, HUGHES, ILLG, JACOB LANDRY, MELERINE, MENA, MYERS, NEWELL, STAGNI, THOMPSON, TURNER, AND WILDER

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.

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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.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_