

RÉSUMÉ DIGEST

ACT 120 (HB 370)

2019 Regular Session

Stokes

Prior law required any health coverage plan which included prescription benefits as part of its policy or contract, which utilized step therapy or fail first protocols, and which was issued for delivery, delivered, renewed, or otherwise contracted for in this state on or after Jan. 1, 2011, to comply with the provisions of prior law.

New law retains prior law but makes technical changes including the removal of a reference to a repealed statute.

New 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 at least one of the following criteria is met:

- (1) The prescribed drug or drug regimen has the U.S. Food and Drug Administration approved indication.
- (2) The prescribed drug or drug regimen has the National Comprehensive Cancer Network Drugs and Biologics Compendium indication.
- (3) The prescribed drug or drug regimen is supported by peer-reviewed, evidenced-based medical literature.

New law shall not apply if the health coverage plan's preferred drug or drug regimen is considered clinically equivalent for therapy, contains the identical active ingredient or ingredients, and is proven to have the same efficacy. Further provides that different salts proven to have the same efficacy shall not be considered as different active ingredients.

New law requires the treating physician to inform the health coverage plan if a drug is prescribed for a condition associated with stage-four advanced, metastatic cancer when requesting authorization.

Existing law defines "health coverage plan".

New law clarifies that new law also applies to any health coverage plan which is administered by a pharmacy benefit manager.

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

New law defines "associated conditions" as the symptoms or side effects associated with stage-four advanced, metastatic cancer or its treatment.

Effective upon signature of the governor (June 5, 2019).

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