

2018 Regular Session

SENATE BILL NO. 29

BY SENATOR MILLS

HEALTH SERVICES. Provides relative to a single uniform prescription drug prior authorization form. (1/1/19)

1 AN ACT

2 To amend and reenact R.S. 22:1006.1(A)(4) and (B) and R.S. 46:460.33 and to enact R.S.

3 22:1006.1(C), (D), and (E), relative to a single uniform prescription drug prior

4 authorization form; to provide for applicability to health insurance issuers and

5 Medicaid managed care organizations; to provide for promulgation of the form by

6 the Louisiana Board of Pharmacy and the Louisiana State Board of Medical

7 Examiners; to provide for the authority to impose sanctions pursuant to current

8 regulatory and contract authority; to provide for an effective date; and to provide for

9 related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 22:1006.1(A)(4) and (B) are hereby amended and reenacted and R.S.
12 22:1006.1(C), (D), and (E) are hereby enacted to read as follows:

13 §1006.1. Prior authorization forms required; criteria

14 A. As used in this Section:

15 * * *

16 (4) "Prior authorization form" shall mean a ~~standardized, uniform application~~
17 ~~developed by a health insurance issuer~~ **single uniform prescription drug prior**

1 authorization form used by all health insurance issuers, including any health
2 insurance issuer pharmacy benefit managers for the purpose of obtaining prior
3 authorization.

4 B. Notwithstanding any other provision of law to the contrary, in order to
5 establish uniformity in the submission of prescription drug prior authorization
6 forms, on and after January 1, ~~2013~~ 2019, a health insurance issuer shall utilize only
7 a single, ~~standardized prior authorization~~ uniform prescription drug prior
8 authorization form for obtaining any prior authorization for prescription drug
9 benefits. The form shall not exceed two pages in length, excluding any instructions
10 or guiding documentation. The only form allowable for use shall be the form
11 jointly promulgated by the Louisiana Board of Pharmacy and the Louisiana
12 State Board of Medical Examiners. A health insurance issuer may make the form
13 accessible through multiple computer operating systems. ~~Additionally, the health~~
14 ~~insurance issuer shall submit its prior authorization forms to the Department of~~
15 ~~Insurance to be kept on file on or after January 1, 2013. A copy of any subsequent~~
16 ~~replacements or modifications of a health insurance issuer's prior authorization form~~
17 ~~shall be filed with the Department of Insurance within fifteen days prior to use or~~
18 ~~implementation of such replacements or modifications.~~

19 C. The Louisiana Board of Pharmacy and the Louisiana State Board of
20 Medical Examiners shall promulgate rules and regulations prior to January 1,
21 2019, that establish the form which shall be utilized by all health insurance
22 issuers. The boards may consult with the health insurance issuers as necessary
23 in development of the prior authorization form.

24 D. The Department of Insurance, under its authority in this Title, shall
25 assess sanctions against any health insurance issuer that directly or through its
26 pharmacy benefit managers, utilizes any prescription drug prior authorization
27 form other than the single uniform prescription drug prior authorization form
28 provided for in this Section.

29 E. The single uniform prescription drug prior authorization form

1 **provided for in this Section shall be the same as provided for in R.S. 46:460.33.**

2 Section 2. R.S. 46:460.33 is hereby amended and reenacted to read as follows:

3 §460.33. Prior authorization form; requirements

4 A. **There shall be a single uniform prescription drug prior authorization**
5 **form used by all managed care organizations, including any managed care**
6 **organization pharmacy benefit managers.** All managed care organizations shall
7 accept, ~~in addition to any currently accepted facsimile and electronic prior~~
8 ~~authorization forms,~~ a standard **use a single uniform prescription drug** prior
9 authorization form, not to exceed two pages, excluding guidelines or instructions,
10 that has been ~~duly~~ **jointly** promulgated by the ~~department~~ **Louisiana Board of**
11 **Pharmacy and the Louisiana State Board of Medical Examiners** in accordance
12 with the Administrative Procedure Act. A health care provider may submit the prior
13 authorization form electronically if the managed care organization allows for
14 submission of the form in this manner.

15 B. The ~~department~~ **Louisiana Board of Pharmacy and the Louisiana State**
16 **Board of Medical Examiners** shall promulgate rules and regulations prior to
17 January 1, ~~2014~~ **2019**, that establish the form which shall be utilized by all managed
18 care organizations. The ~~department~~ **boards** may consult with the managed care
19 organizations as necessary in development of the prior authorization form.

20 C. **Pursuant to its contract with any managed care organization, the**
21 **department shall assess sanctions against any managed care organization that**
22 **directly or through its pharmacy benefit managers, utilizes any prescription**
23 **drug prior authorization form other than the single uniform prescription drug**
24 **prior authorization form provided for in this Section.**

25 D. **The single uniform prescription drug prior authorization form**
26 **provided for in this Section shall be the same as provided for in R.S. 22:1006.1.**

27 Section 3. This Act shall become effective on January 1, 2019.

