

2018 Regular Session

SENATE BILL NO. 285

BY SENATOR GARY SMITH

HEALTH/ACC INSURANCE. Prohibits a health insurance issuer from denying a nonopioid prescription in favor of an opioid prescription. (8/1/18)

1 AN ACT

2 To enact R.S. 22:1060.7, relative to prescriptions for chronic pain; to prohibit the denial of
3 coverage for a nonopioid prescription in favor of an opioid prescription; to provide
4 with respect to opioid prescriptions deemed medically necessary and prescribed by
5 a licensed physician; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 22:1060.7 is hereby enacted to read as follows:

8 **§1060.7. Prescription medication for chronic pain**

9 **A. Notwithstanding any provision of law to the contrary, when a**
10 **licensed physician prescribes a nonopioid medication for the treatment of**
11 **chronic pain, it shall be unlawful for a health insurance issuer to deny coverage**
12 **of the nonopioid prescription drug in favor of an opioid prescription drug.**

13 **B. When an opioid prescription is deemed medically necessary and**
14 **prescribed by a licensed physician, it shall be unlawful for an insurer to deny**
15 **a prescribed medication and attempt to substitute an alternative medication**
16 **that requires any of the following:**

17 **(1) An increased number of pills per prescription.**

1 **(2) A higher Drug Enforcement Administration schedule medication**
 2 **than the one prescribed.**

3 **(3) The substitution of an extended release medication that does not**
 4 **have defined abuse deterrent properties for a prescription of a medication that**
 5 **does have defined abuse deterrent properties.**

The original instrument was prepared by Cheryl Cooper. The following digest, which does not constitute a part of the legislative instrument, was prepared by Christine Arbo Peck.

DIGEST

SB 285 Engrossed

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Present law defines "health insurance issuer" as an entity that offers a health benefit plan through a policy, contract, or certificate of insurance subject to state law that regulates the business of insurance.

Present law defines "prescription drug" as:

- (1) A substance for which federal or state law requires a prescription before the substance may be legally dispensed to the public.
- (2) A drug or device that under federal law is required, before being dispensed or delivered, to be labeled with the statement: "Caution: Federal law prohibits dispensing without prescription" or "Rx only" or another legend that complies with federal law.
- (3) A drug or device that is required by federal or state statute or regulation to be dispensed on prescriptions or that is restricted to use by a physician or other authorized prescriber.

Proposed law prohibits a health insurance issuer from denying coverage of a non-opioid prescription drug in favor of an opioid prescription drug.

Proposed law provides when opioids are deemed medically necessary by a licensed physician, it shall be unlawful for an insurer to deny a physician prescribed medication and recommend an alternative prescription which requires any of the following:

- (1) An increased number of pills per prescription.
- (2) A higher Drug Enforcement Administration schedule medication than the one prescribed.
- (3) The substitution of an extended release medication that does not have defined abuse deterrent properties for a prescription of a medication that does have defined abuse deterrent properties.

Effective August 1, 2018.

(Adds R.S. 22:1060.7)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Clarifies that a health insurance issuer may not substitute a prescription with an extended release medication that does not have defined abuse deterrent properties for a prescription of a medication that does have defined abuse deterrent properties.