

Regular Session, 2011

SENATE BILL NO. 154

BY SENATOR MURRAY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HEALTH/ACC INSURANCE. Requires that certain health care coverage plans provide coverage for step therapy or fail first protocols. (8/15/11)

AN ACT

To amend and reenact R.S. 22:1053(A), (B), and (C), relative to health insurance; to provide for coverage of step therapy or fail first protocols; to provide for any health care coverage plan which includes prescription benefits as part of its policy or contract; to provide for the duration of step therapy or fail first protocol when treatment is deemed ineffective; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1053(A), (B), and (C) are hereby amended and reenacted to read as follows:

§1053. Requirement for coverage of step therapy or fail first protocols

A. Notwithstanding the provisions of R.S. 22:1047 to the contrary, any health care coverage plan specified in Subsection D of this Section **which includes prescription benefits as part of its policy or contract, which utilizes step therapy or fail first protocols, and** which is issued for delivery, delivered, renewed, or otherwise contracted for in this state on or after January 1, 2011, shall ~~provide coverage for step therapy or fail first protocols as provided in~~ **comply with the provisions of** this Section.

(1) The prescribing physician can demonstrate, based on sound clinical evidence, that the preferred treatment required under step therapy or fail first protocol has been ineffective in the treatment of the insured's disease or medical condition.

(3) The prescribing physician can demonstrate, based on sound clinical evidence, that the preferred treatment required under the step therapy or fail first protocol will cause or will likely cause an adverse reaction or other physical harm to the insured.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Cheryl Horne.

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#### DIGEST

Murray (SB 154)

Present law provides that any health care coverage plan which is issued for delivery, delivered, renewed, or otherwise contracted for in this state on or after January 1, 2011, shall provide coverage for step therapy or fail first protocols.

Proposed law retains present law and requires that any health care coverage plan which includes prescription benefits as part of its policy or contract, which utilizes step therapy or fail first protocols, comply with the provisions of law.

Present law provides that when medications for the treatment of any medical condition are restricted for use by an insurer by a step therapy or fail first protocol, the prescribing physician shall have access to a clear and convenient process to request an override of the restriction. Further provides that an override of such restriction shall be expeditiously considered by the insurer under certain circumstances.

Proposed law retains present law but provides that an override of such restriction shall be expeditiously granted by the insurer under certain circumstances.

Effective August 15, 2011.

(Amends R.S. 22:1053(A)(B) and (C))

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Insurance to the original bill.

1. Requires an override of a restriction for step therapy or fail first protocol be granted by the insurer under certain circumstances.