

SENATE BILL NO. 154

BY SENATOR MURRAY

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

1 AN ACT

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

7 Be it enacted by the Legislature of Louisiana:

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

10 §1053. Requirement for coverage of step therapy or fail first protocols

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

18 B. When medications for the treatment of any medical condition are restricted
19 for use by an insurer by a step therapy or fail first protocol, the prescribing physician
20 shall have access to a clear and convenient process to expeditiously request an
21 override of such restriction from the insurer. An override of such restriction shall be
22 expeditiously ~~considered~~ **granted** by the insurer under any of the following
23 circumstances:

24 (1) The prescribing physician can demonstrate **to the health coverage plan,**
25 based on sound clinical evidence, that the preferred treatment required under step
26 therapy or fail first protocol has been ineffective in the treatment of the insured's

disease or medical condition.

(2) The prescribing physician can demonstrate to the health coverage plan, based on sound clinical evidence, that the preferred treatment required under the step therapy or fail first protocol is reasonably expected to be ineffective based on the known relevant physical or mental characteristics and medical history of the insured and known characteristics of the drug regimen.

(3) The prescribing physician can demonstrate to the health coverage plan, 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.

C. The duration of any step therapy or fail first protocol shall not be longer than the customary period for the medication when such treatment is ~~deemed~~ demonstrated by the prescribing physician to be clinically ineffective ~~by the prescribing physician~~. When the ~~prescribing physician~~ health coverage plan can demonstrate, through sound clinical evidence, that the originally prescribed medication is likely to require more than the customary period for such medication to provide any relief or an amelioration to the insured, the step therapy or fail first protocol may be extended for ~~a~~ an additional period of time ~~to be determined by the physician~~ no longer than the original customary period for the medication.

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PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____