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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

RELATING TO HUMAN SERVICES -- MEDICAL ASSISTANCE -- PRESCRIPTION  
DRUGS

Introduced By: Senators Bissaillon, DiMario, and Gallo

Date Introduced: February 12, 2024

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1           SECTION 1. Chapter 40-21 of the General Laws entitled "Medical Assistance —  
2 Prescription Drugs" is hereby amended by adding thereto the following section:

3           **40-21-4. Prohibition of prior authorization or step therapy protocol.**

4           (a) The Rhode Island medical assistance program, as defined by this chapter, and any  
5 contract between the Rhode Island medical assistance program, as defined under chapter 8 of title  
6 40, and a managed care organization shall not require prior authorization or a step therapy protocol  
7 for the prescription of a nonpreferred medication on their drug formulary used to assess or treat an  
8 enrollee's bipolar disorder, schizophrenia or schizotypal disorder, major depressive disorder, or  
9 post-traumatic stress disorder as defined by the American Psychiatric Association's Diagnostic and  
10 Statistical Manual of Mental Disorders, fifth edition, or epilepsy or seizure disorder; if:

11           (1) The enrollee has been previously prescribed and filled or refilled a nonpreferred  
12 medication to treat bipolar disorder, schizophrenia or schizotypal disorder, major depressive  
13 disorder, or post-traumatic stress disorder as defined by the American Psychiatric Association's  
14 Diagnostic and Statistical Manual of Mental Disorders, fifth edition, or epilepsy or seizure disorder;

15           (2) A preferred medication to treat bipolar disorder, schizophrenia or schizotypal disorder,  
16 major depressive disorder, or post-traumatic stress disorder as defined by the American Psychiatric  
17 Association's Diagnostic and Statistical Manual of Mental Disorders, fifth edition, or epilepsy or  
18 seizure disorder has been tried by the enrollee and has failed to produce the desired health

1 outcomes:

2 (3) The enrollee has tried a preferred medication to treat bipolar disorder, schizophrenia or  
3 schizotypal disorder, major depressive disorder, or post-traumatic stress disorder as defined by the  
4 American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, fifth  
5 edition, or epilepsy or seizure disorder and has experienced unacceptable side effects;

6 (4) The enrollee has been stabilized on a nonpreferred medication to treat bipolar disorder,  
7 schizophrenia or schizotypal disorder, major depressive disorder, or post-traumatic stress disorder  
8 as defined by the American Psychiatric Association's Diagnostic and Statistical Manual of Mental  
9 Disorders, fifth edition, or epilepsy or seizure disorder and transition to the preferred medication  
10 would be medically contraindicated.

11 (5) The enrollee was prescribed and unsuccessfully treated with a preferred medication to  
12 treat bipolar disorder, schizophrenia or schizotypal disorder, major depressive disorder, or post-  
13 traumatic stress disorder as defined by the American Psychiatric Association's Diagnostic and  
14 Statistical Manual of Mental Disorders, fifth edition, or epilepsy or seizure disorder for which a  
15 least single claim was paid; or

16 (6) Upon confirmation of the enrollee's inpatient utilization, the enrollee is stable on a  
17 nonpreferred medication to treat bipolar disorder, schizophrenia or schizotypal disorder, major  
18 depressive disorder, or post-traumatic stress disorder as defined by the American Psychiatric  
19 Association's Diagnostic and Statistical Manual of Mental Disorders, fifth edition, or epilepsy or  
20 seizure disorder that was ordered by their health care provider in an inpatient setting.

21 (b) If the secretary of health and human services determines that authorization from a  
22 federal agency is necessary for the implementation of this section, the executive office of health  
23 and human services is authorized to seek such state plan amendment and may delay implementing  
24 the provisions until the authorization is granted.

25 (c) The Rhode Island medical assistance program, as defined under chapter 8 of title 40,  
26 shall require, through amending current and future medical assistance managed care contracts, that  
27 the managed care organizations meet the provisions of this section.

28 (d) This section does prevent the Rhode Island medical assistance program, as defined  
29 under chapter 8 of title 40, and any contract between the Rhode Island medical assistance program  
30 and a managed care organization from denying an exception for a medication that has been removed  
31 from the market due to safety concerns from the federal food and drug administration.

32 (e) For the purposes of this section, "step therapy protocol" means a protocol that  
33 establishes a specific sequence in which prescription medications for a specified medical condition  
34 are medically necessary for a particular enrollee and are covered under a pharmacy or medical

1 [benefit by a carrier, including self-administered and physician-administered drugs.](#)

2           SECTION 2. This act shall take effect upon passage and applies to all policies, contracts,  
3 and certificates executed, delivered, issued for delivery, continued or renewed in this state on or  
4 after January 1, 2025.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO HUMAN SERVICES -- MEDICAL ASSISTANCE -- PRESCRIPTION  
DRUGS

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1           This act would prohibit the Rhode Island medical assistance program, and any contract  
2 between the Rhode Island medical assistance program and a managed care organization from  
3 requiring prior authorization or a step therapy protocol for the prescription of a nonpreferred  
4 medication on their drug formulary used to assess or treat an enrollee's bipolar disorder,  
5 schizophrenia or schizotypal disorder, major depressive disorder, or post-traumatic stress disorder  
6 as defined by the American Psychiatric Association's Diagnostic and Statistical Manual of Mental  
7 Disorders, fifth edition, or epilepsy or seizure disorder under certain circumstances.

8           This act would take effect upon passage and applies to all policies, contracts, and  
9 certificates executed, delivered, issued for delivery, continued or renewed in this state on or after  
10 January 1, 2025.

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