

2012 -- S 3045

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LC02780
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO INSURANCE -- PRESCRIPTION DRUGS -- NON FORMULARY
MEDICATIONS

Introduced By: Senators Felag, McCaffrey, Ruggerio, Gallo, and Walaska

Date Introduced: June 05, 2012

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 27-19-42 of the General Laws in Chapter 27-19 entitled "Nonprofit
2 Hospital Service Corporations" is hereby amended to read as follows:

3 **27-19-42. Drug coverage.** -- (a) Any nonprofit hospital service corporation that utilizes a
4 formulary of medications for which coverage is provided under an individual or group plan
5 master contract shall require any physician or other person authorized by the department of health
6 to prescribe medication to prescribe from the formulary. A physician or other person authorized
7 by the department of health to prescribe medication shall be allowed to prescribe medications
8 previously on, or not on, the nonprofit hospital service corporation's formulary if he or she
9 believes that the prescription of the non-formulary medication is medically necessary. A
10 nonprofit hospital service corporation shall be required to provide coverage for a non-formulary
11 medication only when the non-formulary medication meets the nonprofit hospital service
12 corporation's medical exception criteria for the coverage of that medication; provided, however
13 that a nonprofit medical service corporation shall be required to provide coverage for a non-
14 formulary medication, regardless of whether said medication meets the nonprofit medical service
15 corporation's medical exception criteria, if the medication has been prescribed as treatment for
16 schizophrenia as defined by the most recent edition of the Diagnostic and Statistical Manual of
17 Mental Disorders (DSM) published by the American Psychiatric Association.

18 (b) A nonprofit hospital service corporation's medical exception criteria for the coverage

1 of non-formulary medications shall be developed in accordance with section 23-17.13-3(c)(3).

2 (c) Any subscriber who is aggrieved by a denial of benefits to be provided under this
3 section may appeal the denial in accordance with the rules and regulations promulgated by the
4 department of health pursuant to chapter 17.12 of title 23.

5 SECTION 2. Section 27-20-37 of the General Laws in Chapter 27-20 entitled "Nonprofit
6 Medical Service Corporations" is hereby amended to read as follows:

7 **27-20-37. Drug coverage.** -- (a) Any nonprofit medical service corporation that utilizes a
8 formulary of medications for which coverage is provided under an individual or group plan
9 master contract shall require any physician or other person authorized by the department of health
10 to prescribe medication to prescribe from the formulary. A physician or other person authorized
11 by the department of health to prescribe medication shall be allowed to prescribe medications
12 previously on, or not on, the nonprofit medical service corporation's formulary if he or she
13 believes that the prescription of the non-formulary medication is medically necessary. A
14 nonprofit hospital service corporation shall be required to provide coverage for a non-formulary
15 medication only when the non-formulary medication meets the nonprofit medical service
16 corporation's medical exception criteria for the coverage of that medication; provided, however
17 that a nonprofit medical service corporation shall be required to provide coverage for a non-
18 formulary medication, regardless of whether said medication meets the nonprofit medical service
19 corporation's medical exception criteria, if the medication has been prescribed as treatment for
20 schizophrenia as defined by the most recent edition of the Diagnostic and Statistical Manual of
21 Mental Disorders (DSM) published by the American Psychiatric Association.

22 (b) A nonprofit medical service corporation's medical exception criteria for the coverage
23 of non-formulary medications shall be developed in accordance with section 23-17.13-3(c)(3).

24 (c) Any subscriber who is aggrieved by a denial of benefits to be provided under this
25 section may appeal the denial in accordance with the rules and regulations promulgated by the
26 department of health pursuant to chapter 17.12 of title 23.

27 SECTION 3. This act shall take effect upon passage.

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EXPLANATION

OF

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1 This act would require nonprofit hospital and medical service corporations to provide
2 coverage for non-formulary schizophrenia medications.

3 This act would take effect upon passage.

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