

2021 -- H 5438

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO INSURANCE - PRESCRIPTION DRUG BENEFITS

Introduced By: Representatives Vella-Wilkinson, Blazejewski, Kazarian, Shanley,  
Solomon, Tobon, and Williams

Date Introduced: February 10, 2021

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 27-20.8 of the General Laws entitled "Prescription Drug Benefits" is  
2 hereby amended by adding thereto the following section:

3 **27-20.8-3. Establishing cost sharing fairness.**

4 (a) Definitions. In this section, the following terms shall have the following meanings:

5 (1) "Cost sharing requirement" means any copayment, coinsurance, deductible, or annual  
6 limitation on cost sharing (including, but not limited to, a limitation subject to 42 U.S.C. § 18022(c)  
7 and 42 U.S.C. 300gg-6(b)), required by or on behalf of an enrollee in order to receive a specific  
8 health care service, including a prescription drug, covered by a health plan.

9 (2) "Enrollee" means any individual entitled to health care services from an insurer.

10 (3) "Health care service" means an item or service furnished to any individual for the  
11 purpose of preventing, alleviating, curing, or healing human illness, injury or physical disability.

12 (4) "Health plan" means a policy, contract, certification, or agreement offered or issued by  
13 an insurer to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care  
14 services.

15 (5) "Insurer" means any health insurance issuer that is subject to state law regulating  
16 insurance and offers health insurance coverage, as defined in 42 U.S.C. § 300gg-91, or any state or  
17 local governmental employer plan.

18 (6) "Person" means a natural person, corporation, mutual company, unincorporated  
19 association, partnership, joint venture, limited liability company, trust, estate, foundation, not-for-

1 profit corporation, unincorporated organization, government or governmental subdivision or  
2 agency.

3 (b) Cost Sharing Calculation. When calculating an enrollee's contribution to any applicable  
4 cost sharing requirement, an insurer shall include any cost sharing amounts paid by the enrollee or  
5 on behalf of the enrollee by another person. Any cost sharing or reductions made for an enrollee's  
6 benefit or towards an enrollee's applicable cost sharing requirement shall be applied in full at the  
7 time it is rendered and wholly towards the enrollee's out of pocket costs, deductible, cost sharing  
8 or similar enrollee obligation.

9 (c) Effective Date. This section shall apply with respect to health plans that are entered  
10 into, amended, extended, or renewed on or after January 1, 2022.

11 (d) Rule-Making. The insurance commissioner may promulgate such rules and regulations  
12 as it may deem necessary to implement the provisions of this section.

13 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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RELATING TO INSURANCE - PRESCRIPTION DRUG BENEFITS

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1           This act would provide that health insurance contributions made by enrollees for cost  
2 sharing requirements shall include cost sharing amounts paid by the enrollee or on behalf of the  
3 enrollee by another person and requires that cost sharing reductions be applied in full at the time  
4 rendered.

5           This act would take effect upon passage.

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