An Act To Provide Greater Access to Treatment for Serious Mental Illness by Prohibiting an Insurance Carrier from Requiring Prior Authorization or Step Therapy Protocol

Received by the Secretary of the Senate on March 25, 2021. Referred to the Committee on Health Coverage, Insurance and Financial Services pursuant to Joint Rule 308.2 and ordered printed.

Presented by Senator STEWART of Aroostook.
Cosponsored by Senators: DIAMOND of Cumberland, ROSEN of Hancock, SANBORN of Cumberland, Representatives: COPELAND of Saco, EVANS of Dover-Foxcroft, HYMANSON of York, MORRIS of Turner, WHITE of Waterville.
Be it enacted by the People of the State of Maine as follows:

Sec. 1. 24-A MRSA §4304, sub-§2-C is enacted to read:

2-C. Prior authorization and step therapy of treatment for serious mental illness.
A carrier may not require prior authorization or step therapy protocol as defined in section 4320-N, subsection 1, paragraph G for the prescription of medication used to assess or treat an enrollee's serious mental illness. For the purposes of this subsection, "serious mental illness" means a mental disorder, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association, that results in serious functional impairment that substantially interferes with or limits one or more major life activities. The superintendent may adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. Application. The requirements of this Act apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2022. For the purposes of this Act, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

SUMMARY

This bill prohibits an insurance carrier from requiring prior authorization or step therapy protocol for the prescription of medication to assess or treat an enrollee's serious mental illness.