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Date: (Filing No. S-)

HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES

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**STATE OF MAINE
SENATE
130TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 420, L.D. 1268, “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”

Amend the bill by striking out the title and substituting the following:

'An Act To Provide Greater Access to Treatment for Serious Mental Illness by Restricting Prescription Drug Utilization Management by an Insurance Carrier'

Amend the bill by striking out everything after the enacting clause and inserting the following:

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

2-C. Prior authorization of prescription drugs used for assessment and treatment of serious mental illness. Notwithstanding any requirement of this section to the contrary, a carrier shall approve a prior authorization request for medication on the carrier's prescription drug formulary that is prescribed 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. 24-A MRSA §4320-N, sub-§1, ¶D-1 is enacted to read:

D-1. "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.

Sec. 3. 24-A MRSA §4320-N, sub-§6, ¶B, as enacted by PL 2019, c. 295, §1 and reallocated by RR 2019, c. 1, Pt. A, §26, is amended by amending subparagraph (4) to read:

COMMITTEE AMENDMENT

1 (4) The required prescription drug is not in the best interest of the enrollee, based
2 on medical necessity; ~~or~~

3 **Sec. 4. 24-A MRSA §4320-N, sub-§6, ¶B**, as enacted by PL 2019, c. 295, §1 and
4 reallocated by RR 2019, c. 1, Pt. A, §26, is amended by amending subparagraph (5) to read:

5 (5) The enrollee is stable on a prescription drug selected by the enrollee's health
6 care provider for the medical condition under consideration while on a current or
7 previous health insurance or health plan; ~~or~~

8 **Sec. 5. 24-A MRSA §4320-N, sub-§6, ¶B**, as enacted by PL 2019, c. 295, §1 and
9 reallocated by RR 2019, c. 1, Pt. A, §26, is amended by enacting a new subparagraph (6)
10 to read:

11 (6) The prescription drug selected by the enrollee's health care provider is intended
12 to assess or treat the enrollee's serious mental illness.

13 **Sec. 6. Application.** The requirements of this Act apply to all policies, contracts
14 and certificates executed, delivered, issued for delivery, continued or renewed in this State
15 on or after January 1, 2022. For the purposes of this Act, all contracts are deemed to be
16 renewed no later than the next yearly anniversary of the contract date.'

17 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
18 number to read consecutively.

19 **SUMMARY**

20 This amendment, which is the majority report of the committee, replaces the bill. The
21 amendment requires a health insurance carrier to approve a prior authorization request for
22 medication on the carrier's formulary prescribed to assess or treat an enrollee's serious
23 mental illness. The amendment also requires a carrier to provide an exception to step
24 therapy protocols for prescription drugs selected by the enrollee's health care provider
25 intended to assess or treat the enrollee's serious mental illness. The requirements apply to
26 health insurance policies issued or renewed on or after January 1, 2022.

27 **FISCAL NOTE REQUIRED**

28 **(See attached)**