

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act Regarding Prescription Drug Step Therapy and Prior Authorization**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 24-A MRSA §4319** is enacted to read:

### **§ 4319. Coverage for acute and chronic pain**

Beginning January 1, 2012, a carrier that provides prescription drug coverage shall provide the full range of prescription drug treatment options for patients suffering from acute and chronic pain as follows.

**1. Formulary alternatives.** A carrier may not require that a patient try more than 2 formulary alternatives with unsuccessful results for the patient before approving the drug prescribed by the patient's health care provider. A carrier may not require use of a formulary alternative for longer than 7 days prior to determining the clinical appropriateness of continued use of the formulary alternative. A health care provider may override a carrier's decision regarding a formulary alternative for a patient if the formulary alternative has been ineffective in treating the patient's condition or if there is sound medical and scientific evidence that the required treatment is expected to be ineffective or to cause an adverse reaction or other harm to the patient.

**2. Prior authorization.** A health care provider may override a requirement of prior authorization regarding the use of a prescribed drug for a patient if there is sound medical and scientific evidence that adherence to the prior authorization protocol will be ineffective in the treatment of the patient's condition or will cause an adverse reaction or other harm to the patient.

## **SUMMARY**

This bill limits the ability of a health coverage carrier to require prescription drug formulary alternatives and prior authorization in certain circumstances beginning January 1, 2012.