

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

An Act To Amend the Health Plan Improvement Law Regarding Prescription Drug Step Therapy

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

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

1-A. Prescription drug step therapy. The clinical review criteria used by a carrier in approving prescription drugs:

A. Must adhere to federal Food and Drug Administration prescription drug labeling; and

B. May not require failure on the same medication on more than one occasion for patients continuously enrolled in a health plan offered by the carrier.

Nothing in this subsection may be construed to prevent a health care practitioner from prescribing a medication for an off-label use or from prescribing a medication on more than one occasion when the health care practitioner determines it is medically appropriate.

A carrier that requires failure on one or more drugs as a condition of prior authorization for a nonpreferred drug may not collect a copayment greater than the lowest cost preferred drug copayment in the same drug class from an enrollee having satisfied the prior authorization requirements, as judged by the prescribing health care practitioner. Nothing in this subsection may be construed to prevent a carrier from collecting tiered copayments from enrollees not subject to the prior authorization requirements set forth in this subsection.

SUMMARY

This bill establishes certain standards for prescription drug step therapy policies under the health plan improvement law.