

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

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

'An Act To Ensure Protection of Patients'

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

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

2-A. Electronic transmission of prior authorization requests. Beginning no later than January 1, 2019, if a health plan provides coverage for prescription drugs, the carrier must accept and respond to a request by a provider for prior authorization for prescription drugs in accordance with subsection 2 through a secure electronic transmission using standards adopted by a national council for prescription drug programs for electronic prescribing transactions. Beginning no later than July 1, 2019, a carrier must accept and respond to a request by a provider for prior authorization for medical services in accordance with subsection 2 through a secure electronic transmission using standards for prior authorization under the federal Health Insurance Portability and Accountability Act of 1996, Public Law 104-191. For the purposes of this subsection, transmission of a facsimile or by use of an electronic form is not considered electronic transmission.

Sec. 2. 24-A MRSA §4311, sub-§1, as enacted by PL 1999, c. 742, §19 and affected by §21, is amended to read:

1. Formulary. If a health plan provides coverage for prescription drugs but the coverage limits such benefits to drugs included in a formulary, a carrier shall:

- A. Ensure participation of participating physicians and pharmacists in the development of the formulary; and
- B. Provide exceptions to the formulary limitation when a nonformulary alternative is medically indicated, consistent with the utilization review standards in section 4304-; and
- C. Ensure that participating health care professionals with the authority to prescribe prescription drugs and pharmacists have access to the carrier's most current formulary in electronic form at all times.'

SUMMARY

This amendment is the minority report and replaces the bill, which is a concept draft. The amendment requires a health insurance carrier to accept and respond to prior authorization requests through electronic transmission by January 1, 2019 for prescription drugs and by July 1, 2019 for medical services. The amendment also requires a carrier to make its most current prescription drug formulary available to health care professionals and pharmacists in electronic form at all times.