

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

2. **Sec. 1. 24-A MRSA §4304, sub-§2, ¶D**, as enacted by PL 2019, c. 273, §1, is

3. amended to read:

4. D. The **drug prescription and** prior authorization standards used by a carrier must be clear and readily

5. available to enrollees, participating providers, pharmacists and other providers. With

6. regard to prior authorization for prescription drugs, a carrier shall comply with the

7. requirements set forth in subsection 2-B. A provider must make best efforts to provide

8. all information necessary to evaluate a request, and the carrier must make best efforts

9. to limit requests for additional information.

10. **Sec. 2. 24-A MRSA §4304, sub-§2-B**, as enacted by PL 2019, c. 273, §2, is

11. amended to read:

~~12. 2-B. Electronic transmission of prior authorization requests. Beginning no later~~

~~13. than January 1, 2020, if~~ If a health plan provides coverage for prescription drugs, the carrier

14. must accept and respond to prior authorization requests in accordance with subsection 2

15. and this subsection through a secure electronic transmission using **American National Standards Institute (ANSI) standards recommended**

~~16. by a national institute for the development of fair standards and is adopted by a national~~

~~17. council for prescription drug programs for electronic prescribing transactions~~ **the National Council for Prescription Drug Programs.** For the

18. purposes of this subsection, transmission of a facsimile through a proprietary payer portal

19. or by use of an electronic form is not considered electronic transmission. A carrier's

20. electronic transmission system for prior authorization requests for prescription drugs must

21. comply with the following.

22. A. No later than January 1, 2023, unless a waiver is granted by the superintendent, a

23. carrier or entity under contract to a carrier shall make available to a provider in real

24. time at the point of prescribing ~~one or more~~ **an** electronic benefit tools that ~~are~~ **is** capable of

25. integrating with ~~at least one~~ **the** electronic prescribing system or electronic medical record

26. system to provide complete, accurate, timely, clinically appropriate formulary and

27. benefit information specific to an enrollee, including, but not limited to, ~~enrollee cost-~~

28. ~~sharing information,~~ **the estimated cost-share to be paid by the enrollee,** information on any available formulary alternatives that are

29. clinically appropriate and information about the formulary status and the utilization

30. review and prior authorization requirements of each drug presented. Upon a carrier's

31. request, the superintendent may grant a waiver from the requirements of this paragraph

32. based on a demonstration of good cause.

33. **Sec. 3. Bureau of Insurance to monitor compliance.** Beginning January 1,

34. ~~2023~~, the Department of Professional and Financial Regulation, Bureau of Insurance shall

35. monitor compliance by carriers authorized to do business in this State with the requirements

36. of the Maine Revised Statutes, Title 24-A, section 4304, subsection 2-B using its authority

37. under Title 24-A, section 221. The bureau shall also request information from carriers on

38. the adoption and usage of electronic transmission by health care providers for requesting

39. prior authorization for prescription drugs from carriers. No later than June 1, 2023, the

40. bureau shall submit a report to the joint standing committee of the Legislature having

41. jurisdiction over health coverage and insurance matters on the status of compliance by

42. carriers. If the bureau determines that a carrier is not complying with the requirements of

43. Title 24-A, section 4304, subsection 2-B, the bureau shall take enforcement action against

44. the carrier as appropriate. The joint standing committee of the Legislature having