



127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 289

S.P. 103

In Senate, February 5, 2015

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

Reference to the Committee on Insurance and Financial Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator ROSEN of Hancock.

Cosponsored by Senator: SAVIELLO of Franklin, Representative: DION of Portland.

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

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

3 **1-A. Prescription drug step therapy.** The clinical review criteria used by a carrier
4 in approving prescription drugs:

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

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

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

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

20 **SUMMARY**

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