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Date: (Filing No. S-)

INSURANCE AND FINANCIAL SERVICES

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**STATE OF MAINE
SENATE
127TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 103, L.D. 289, Bill, “An Act To Amend the Health Plan Improvement Law Regarding Prescription Drug Step Therapy”

Amend the bill in section 1 by striking out all of subsection 1-A (page 1, lines 3 to 19 in L.D.) and inserting the following:

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

A. May not prevent a health care practitioner from prescribing a medication for an off-label use;

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; and

C. May not prevent a health care practitioner from prescribing a medication on more than one occasion when the health care practitioner determines it is medically appropriate.

A carrier may not require failure on one or more drugs as a condition of prior authorization for a nonpreferred drug unless an enrollee has affirmatively agreed to the condition each time a carrier seeks to impose such a condition. 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 amendment, which is the majority report of the committee, replaces the bill. The amendment provides that the clinical review criteria used by a carrier in approving prescription drugs may not prevent a health care practitioner from prescribing a medication for an off-label use, may not require failure on the same medication on more than one occasion for enrollees continuously enrolled in a health plan offered by the carrier and may not prevent a health care practitioner from prescribing a medication on more than one occasion when the health care practitioner determines it is medically appropriate.

COMMITTEE AMENDMENT

1 The amendment also prohibits a carrier from requiring the failure on one or more
2 drugs as a condition of prior authorization for a nonpreferred drug unless an enrollee has
3 affirmatively agreed to the condition each time a carrier seeks to impose such a condition.
4 The amendment does not restrict the cost-sharing imposed by a carrier.

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FISCAL NOTE REQUIRED

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(See attached)