

2012 -- S 2428

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LC01575
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO INSURANCE - COVERAGE FOR PRESCRIPTION DRUGS

Introduced By: Senators Crowley, Perry, Ottiano, and Miller

Date Introduced: February 15, 2012

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 27-19 of the General Laws entitled "Nonprofit Hospital Service
2 Corporations" is hereby amended by adding thereto the following section:

3 **27-19-62. Coverage for prescription drugs. --** (a) Every individual or group health
4 insurance contract, or every individual or group hospital or medical expense insurance policy,
5 plan, or group policy issued for delivery, or renewed in this state on or after the enactment of this
6 section that provides coverage for prescription drugs shall not require an insured to use, prior to
7 using a brand name prescription drug prescribed by a licensed prescriber, any alternative brand
8 name prescription drugs or over-the-counter drugs.

9 (b) Health insurance contracts, plans or policies to which this section applies may require
10 an insured to use, prior to using a brand name prescription drug prescribed by a licensed
11 prescriber, a therapeutically equivalent generic drug, unless, pursuant to sections 5-19.1-19, 5-37-
12 18.1 and 21-31-15(b), the prescriber indicates "brand name necessary" on the prescription form,
13 or if the prescriber gives oral direction to that effect to the dispensing pharmacist.

14 SECTION 2. Chapter 27-20 of the General Laws entitled "Nonprofit Medical Service
15 Corporations" is hereby amended by adding thereto the following section:

16 **27-20-58. Coverage for prescription drugs. --** (a) Every individual or group health
17 insurance contract, or every individual or group hospital or medical expense insurance policy,
18 plan, or group policy issued for delivery, or renewed in this state on or after the enactment of this
19 section that provides coverage for prescription drugs shall not require an insured to use, prior to

1 using a brand name prescription drug prescribed by a licensed prescriber, any alternative brand
2 name prescription drugs or over-the-counter drugs.

3 (b) Health insurance contracts, plans or policies to which this section applies may require
4 an insured to use, prior to using a brand name prescription drug prescribed by a licensed
5 prescriber, a therapeutically equivalent generic drug, unless, pursuant to sections 5-19.1-19, 5-37-
6 18.1 and 21-31-15(b), the prescriber indicates "brand name necessary" on the prescription form,
7 or if the prescriber gives oral direction to that effect to the dispensing pharmacist.

8 SECTION 3. Chapter 27-41 of the General Laws entitled "Health Maintenance
9 Organizations" is hereby amended by adding thereto the following section:

10 **27-41-75. Coverage for prescription drugs.** -- (a) Every individual or group health
11 insurance contract, or every individual or group hospital or medical expense insurance policy,
12 plan, or group policy issued for delivery, or renewed in this state on or after the enactment of this
13 section that provides coverage for prescription drugs shall not require an insured to use, prior to
14 using a brand name prescription drug prescribed by a licensed prescriber, any alternative brand
15 name prescription drugs or over-the-counter drugs.

16 (b) Health insurance contracts, plans or policies to which this section applies may require
17 an insured to use, prior to using a brand name prescription drug prescribed by a licensed
18 prescriber, a therapeutically equivalent generic drug, unless, pursuant to sections 5-19.1-19, 5-37-
19 18.1 and 21-31-15(b), the prescriber indicates "brand name necessary" on the prescription form,
20 or if the prescriber gives oral direction to that effect to the dispensing pharmacist.

21 SECTION 4. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would prevent health insurance policies, plans or contracts that provide coverage
2 for prescription drugs from requiring a beneficiary to use an alternative brand name prescription
3 drug or over-the-counter drug prior to using a brand name prescription drug prescribed by a
4 licensed physician.

5 This act would take effect upon passage.

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