

2023 -- H 5350

LC000200

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO INSURANCE -- ACCIDENT AND SICKNESS INSURANCE POLICIES

Introduced By: Representatives Morales, Chippendale, Kislak, McNamara, Place,
Kazarian, Spears, Donovan, Potter, and Newberry

Date Introduced: February 03, 2023

Referred To: House Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 27-18 of the General Laws entitled "Accident and Sickness Insurance
2 Policies" is hereby amended by adding thereto the following section:

3 **27-18-50.2. Specialty drugs.**

4 (a) The general assembly makes the following findings:

5 (1) In 2015, an estimated six hundred thirty-five thousand (635,000) Rhode Island residents
6 had at least one chronic disease, and an estimated two hundred forty-nine thousand (249,000)
7 residents had two (2) or more chronic diseases, which significantly increases their likelihood to
8 depend on prescription specialty drugs;

9 (2) In 2016, twenty-five percent (25%) of Rhode Island residents stopped taking a
10 prescription drug as prescribed due to cost;

11 (3) Most specialty drugs do not have biosimilars, generic equivalents, or substitutes to
12 create competition and help lower their prices; and

13 (4) In 2022, the Centers for Medicare and Medicaid Services define any drug for which the
14 negotiated price is six hundred seventy dollars (\$670) per month or more, as a specialty drug.

15 (b) As used in this section, the following words shall have the following meanings:

16 (1) "Complex or chronic medical condition" means a physical, behavioral, or
17 developmental condition that is persistent or otherwise long-lasting in its effects or a disease that
18 advances over time, and:

19 (i) May have no known cure;

- 1 (ii) Is progressive; or
- 2 (iii) Can be debilitating or fatal if left untreated or undertreated.
- 3 "Complex or chronic medical condition" includes, but is not limited to, multiple sclerosis,
4 hepatitis c, and rheumatoid arthritis.
- 5 (2) "Pre-service authorization" means a cost containment method that an insurer, a
6 nonprofit health service plan, or a health maintenance organization uses to review and preauthorize
7 coverage for drugs prescribed by a health care provider for a covered individual to control
8 utilization, quality, and claims.
- 9 (3) "Rare medical condition" means a disease or condition that affects fewer than:
- 10 (i) Two hundred thousand (200,000) individuals in the United States; or
- 11 (ii) Approximately one in one thousand five hundred (1,500) individuals worldwide.
- 12 "Rare medical condition" includes, but is not limited to, cystic fibrosis, hemophilia, and
13 multiple myeloma.
- 14 (4) "Specialty drug" means a prescription drug that:
- 15 (i) Is prescribed for an individual with a complex or chronic medical condition or a rare
16 medical condition; and
- 17 (ii) Has a wholesale acquisition cost or negotiated price that exceeds the Medicare Part D
18 specialty tier threshold, as updated from time to time.
- 19 (c) Every individual or group health insurance contract, plan or policy that provides
20 prescription coverage and is delivered, issued for delivery or renewed in this state on or after
21 January 1, 2024, shall not impose a copayment or coinsurance requirement on a covered specialty
22 drug that exceeds one hundred fifty dollars (\$150) for up to a thirty (30)-day supply of the specialty
23 drug. A pre-service authorization may be used to provide coverage for specialty drugs. Coverage
24 for prescription specialty drugs shall not be subject to any deductible, unless prohibiting a
25 deductible requirement would cause a health plan to not qualify as a high deductible health plan.
- 26 (d) Nothing in this section prevents an insurer, health maintenance plan, or nonprofit
27 medical plan from reducing a covered individual's cost sharing to an amount less than one hundred
28 fifty dollars (\$150) for a thirty (30)-day supply of a specialty drug.
- 29 (e) The health insurance commissioner may promulgate any rules and regulations
30 necessary to implement and administer this section in accordance with any federal requirements
31 and shall use the commissioner's enforcement powers to obtain compliance with the provisions of
32 this section.

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

1 **27-19-42.1. Specialty drugs.**

2 (a) The general assembly makes the following findings:

3 (1) In 2015, an estimated six hundred thirty-five thousand (635,000) Rhode Island residents
4 had at least one chronic disease, and an estimated two hundred forty-nine thousand (249,000)
5 residents had two (2) or more chronic diseases, which significantly increases their likelihood to
6 depend on prescription specialty drugs;

7 (2) In 2016, twenty-five percent (25%) of Rhode Island residents stopped taking a
8 prescription drug as prescribed due to cost;

9 (3) Most specialty drugs do not have biosimilars, generic equivalents, or substitutes to
10 create competition and help lower their prices; and

11 (4) In 2022, the Centers for Medicare and Medicaid Services define any drug for which the
12 negotiated price is six hundred seventy dollars (\$670) per month or more, as a specialty drug.

13 (b) As used in this section, the following words shall have the following meanings:

14 (1) "Complex or chronic medical condition" means a physical, behavioral, or
15 developmental condition that is persistent or otherwise long-lasting in its effects or a disease that
16 advances over time, and:

17 (i) May have no known cure;

18 (ii) Is progressive; or

19 (iii) Can be debilitating or fatal if left untreated or undertreated.

20 "Complex or chronic medical condition" includes, but is not limited to, multiple sclerosis,
21 hepatitis c, and rheumatoid arthritis.

22 (2) "Pre-service authorization" means a cost containment method that an insurer, a
23 nonprofit health service plan, or a health maintenance organization uses to review and preauthorize
24 coverage for drugs prescribed by a health care provider for a covered individual to control
25 utilization, quality, and claims.

26 (3) "Rare medical condition" means a disease or condition that affects fewer than:

27 (i) Two hundred thousand (200,000) individuals in the United States; or

28 (ii) Approximately one in one thousand five hundred (1,500) individuals worldwide.

29 "Rare medical condition" includes, but is not limited to, cystic fibrosis, hemophilia, and
30 multiple myeloma.

31 (4) "Specialty drug" means a prescription drug that:

32 (i) Is prescribed for an individual with a complex or chronic medical condition or a rare
33 medical condition; and

34 (ii) Has a wholesale acquisition cost or negotiated price that exceeds the Medicare Part D

1 specialty tier threshold, as updated from time to time.

2 (c) Every individual or group health insurance contract, plan or policy that provides
3 prescription coverage and is delivered, issued for delivery or renewed in this state on or after
4 January 1, 2024, shall not impose a copayment or coinsurance requirement on a covered specialty
5 drug that exceeds one hundred fifty dollars (\$150) for up to a thirty (30)-day supply of the specialty
6 drug. A pre-service authorization may be used to provide coverage for specialty drugs. Coverage
7 for prescription specialty drugs shall not be subject to any deductible, unless prohibiting a
8 deductible requirement would cause a health plan to not qualify as a high deductible health plan.

9 (d) Nothing in this section prevents an insurer, health maintenance plan, or nonprofit
10 medical plan from reducing a covered individual's cost sharing to an amount less than one hundred
11 fifty dollars (\$150) for a thirty (30)-day supply of a specialty drug.

12 (e) The health insurance commissioner may promulgate any rules and regulations
13 necessary to implement and administer this section in accordance with any federal requirements
14 and shall use the commissioner's enforcement powers to obtain compliance with the provisions of
15 this section.

16 SECTION 3. Chapter 27-20 of the General Laws entitled "Nonprofit Medical Service
17 Corporations" is hereby amended by adding thereto the following section:

18 **27-20-37.1. Specialty drugs.**

19 (a) The general assembly makes the following findings:

20 (1) In 2015, an estimated six hundred thirty-five thousand (635,000) Rhode Island residents
21 had at least one chronic disease, and an estimated two hundred forty-nine thousand (249,000)
22 residents had two (2) or more chronic diseases, which significantly increases their likelihood to
23 depend on prescription specialty drugs;

24 (2) In 2016, twenty-five percent (25%) of Rhode Island residents stopped taking a
25 prescription drug as prescribed due to cost;

26 (3) Most specialty drugs do not have biosimilars, generic equivalents, or substitutes to
27 create competition and help lower their prices; and

28 (4) In 2022, the Centers for Medicare and Medicaid Services define any drug for which the
29 negotiated price is six hundred seventy dollars (\$670) per month or more, as a specialty drug.

30 (b) As used in this section, the following words shall have the following meanings:

31 (1) "Complex or chronic medical condition" means a physical, behavioral, or
32 developmental condition that is persistent or otherwise long-lasting in its effects or a disease that
33 advances over time, and;

34 (i) May have no known cure;

- 1 (ii) Is progressive; or
- 2 (iii) Can be debilitating or fatal if left untreated or undertreated.
- 3 "Complex or chronic medical condition" includes, but is not limited to, multiple sclerosis,
4 hepatitis c, and rheumatoid arthritis.
- 5 (2) "Pre-service authorization" means a cost containment method that an insurer, a
6 nonprofit health service plan, or a health maintenance organization uses to review and preauthorize
7 coverage for drugs prescribed by a health care provider for a covered individual to control
8 utilization, quality, and claims.
- 9 (3) "Rare medical condition" means a disease or condition that affects fewer than:
- 10 (i) Two hundred thousand (200,000) individuals in the United States; or
- 11 (ii) Approximately one in one thousand five hundred (1,500) individuals worldwide.
- 12 "Rare medical condition" includes, but is not limited to, cystic fibrosis, hemophilia, and
13 multiple myeloma.
- 14 (4) "Specialty drug" means a prescription drug that:
- 15 (i) Is prescribed for an individual with a complex or chronic medical condition or a rare
16 medical condition; and
- 17 (ii) Has a wholesale acquisition cost or negotiated price that exceeds the Medicare Part D
18 specialty tier threshold, as updated from time to time.
- 19 (iii) Is not typically stocked at retail pharmacies; and
- 20 (iv)(A) Requires a difficult or unusual process of delivery to the patient in the preparation,
21 handling, storage, inventory, or distribution of the drug; or
- 22 (B) Requires enhanced patient education, management, or support, beyond those required
23 for traditional dispensing, before or after administration of the drug.
- 24 (c) Every individual or group health insurance contract, plan or policy that provides
25 prescription coverage and is delivered, issued for delivery or renewed in this state on or after
26 January 1, 2024, shall not impose a copayment or coinsurance requirement on a covered specialty
27 drug that exceeds one hundred fifty dollars (\$150) for up to a thirty (30)-day supply of the specialty
28 drug. A pre-service authorization may be used to provide coverage for specialty drugs. Coverage
29 for prescription specialty drugs shall not be subject to any deductible, unless prohibiting a
30 deductible requirement would cause a health plan to not qualify as a high deductible health plan.
- 31 (d) Nothing in this section prevents an insurer, health maintenance plan, or nonprofit
32 medical plan from reducing a covered individual's cost sharing to an amount less than one hundred
33 fifty dollars (\$150) for a thirty (30)-day supply of a specialty drug.
- 34 (e) The health insurance commissioner may promulgate any rules and regulations

1 necessary to implement and administer this section in accordance with any federal requirements
2 and shall use the commissioner's enforcement powers to obtain compliance with the provisions of
3 this section.

4 SECTION 4. Chapter 27-41 of the General Laws entitled "Health Maintenance
5 Organizations" is hereby amended by adding thereto the following section:

6 **27-41-38.3. Specialty drugs.**

7 (a) The general assembly makes the following findings:

8 (1) In 2015, an estimated six hundred thirty-five thousand (635,000) Rhode Island residents
9 had at least one chronic disease, and an estimated two hundred forty-nine thousand (249,000)
10 residents had two (2) or more chronic diseases, which significantly increases their likelihood to
11 depend on prescription specialty drugs;

12 (2) In 2016, twenty-five percent (25%) of Rhode Island residents stopped taking a
13 prescription drug as prescribed due to cost;

14 (3) Most specialty drugs do not have biosimilars, generic equivalents, or substitutes to
15 create competition and help lower their prices; and

16 (4) In 2022, the Centers for Medicare and Medicaid Services define any drug for which the
17 negotiated price is six hundred seventy dollars (\$670) per month or more, as a specialty drug.

18 (b) As used in this section, the following words shall have the following meanings:

19 (1) "Complex or chronic medical condition" means a physical, behavioral, or
20 developmental condition that is persistent or otherwise long-lasting in its effects or a disease that
21 advances over time, and:

22 (i) May have no known cure;

23 (ii) Is progressive; or

24 (iii) Can be debilitating or fatal if left untreated or undertreated.

25 "Complex or chronic medical condition" includes, but is not limited to, multiple sclerosis,
26 hepatitis c, and rheumatoid arthritis.

27 (2) "Pre-service authorization" means a cost containment method that an insurer, a
28 nonprofit health service plan, or a health maintenance organization uses to review and preauthorize
29 coverage for drugs prescribed by a health care provider for a covered individual to control
30 utilization, quality, and claims.

31 (3) "Rare medical condition" means a disease or condition that affects fewer than:

32 (i) Two hundred thousand (200,000) individuals in the United States; or

33 (ii) Approximately one in one thousand five hundred (1,500) individuals worldwide.

34 "Rare medical condition" includes, but is not limited to, cystic fibrosis, hemophilia, and

1 multiple myeloma.

2 (4) "Specialty drug" means a prescription drug that:

3 (i) Is prescribed for an individual with a complex or chronic medical condition or a rare
4 medical condition; and

5 (ii) Has a wholesale acquisition cost or negotiated price that exceeds the Medicare Part D
6 specialty tier threshold, as updated from time to time.

7 (c) Every individual or group health insurance contract, plan or policy that provides
8 prescription coverage and is delivered, issued for delivery or renewed in this state on or after
9 January 1, 2024, shall not impose a copayment or coinsurance requirement on a covered specialty
10 drug that exceeds one hundred fifty dollars (\$150) for up to a thirty (30)-day supply of the specialty
11 drug. A pre-service authorization may be used to provide coverage for specialty drugs. Coverage
12 for prescription specialty drugs shall not be subject to any deductible, unless prohibiting a
13 deductible requirement would cause a health plan to not qualify as a high deductible health plan.

14 (d) Nothing in this section prevents an insurer, health maintenance plan, or nonprofit
15 medical plan from reducing a covered individual's cost sharing to an amount less than one hundred
16 fifty dollars (\$150) for a thirty (30)-day supply of a specialty drug.

17 (e) The health insurance commissioner may promulgate any rules and regulations
18 necessary to implement and administer this section in accordance with any federal requirements
19 and shall use the commissioner's enforcement powers to obtain compliance with the provisions of
20 this section.

21 SECTION 5. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO INSURANCE -- ACCIDENT AND SICKNESS INSURANCE POLICIES

1 This act would limit the copayment or coinsurance requirement on specialty drugs to one
2 hundred fifty dollars (\$150) for a thirty (30)-day supply regarding any specialty drug in any
3 individual or health insurance contract, plan or policy issued, delivered or renewed on or after
4 January 1, 2024. Specialty drugs would be defined as a drug prescribed to an individual with a
5 complex or chronic medical condition or a rare medical condition.

6 This act would take effect upon passage.

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