

2024 -- H 7625

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

RELATING TO INSURANCE -- ACCIDENT AND SICKNESS INSURANCE POLICIES --
INSURANCE COVERAGE FOR PREVENTION OF HIV INFECTION

Introduced By: Representatives Kislak, Shekarchi, McGaw, Solomon, Donovan, Boylan,
Potter, Cruz, Giraldo, and Knight

Date Introduced: February 15, 2024

Referred To: House Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 27-18-91 of the General Laws in Chapter 27-18 entitled "Accident
2 and Sickness Insurance Policies" is hereby amended to read as follows:

3 **27-18-91. Coverage for treatment of pre-exposure prophylaxis (PrEP) for the**
4 **prevention of HIV and post-exposure prophylaxis (PEP) to prevent HIV infection. [Effective**
5 **January 1, 2024.]**

6 (a) Every group health insurance contract, or every group hospital or medical expense
7 insurance policy, plan, or group policy delivered, issued for delivery, or renewed in this state, by
8 any health insurance carrier, on or after January 1, 2024, shall provide coverage for treatment of
9 pre-exposure prophylaxis ("PrEP") for the prevention of HIV and post-exposure prophylaxis
10 ("PEP") to prevent HIV infection. Each long-acting injectable drug with a different duration shall
11 constitute a separate method of administration. ~~A health insurer is not required to cover any pre-~~
12 ~~exposure prophylaxis drug or post-exposure prophylaxis drug dispensed or administered by an out-~~
13 ~~of-network pharmacy provider unless the enrollee's health plan provides an out-of-network~~
14 ~~pharmacy benefit.~~

15 (b) The healthcare benefits outlined in this chapter apply only to services delivered within
16 the health insurer's provider network; provided that, all health insurers shall be required to provide
17 coverage for those benefits mandated by this chapter outside of the health insurer's provider
18 network where it can be established that the required services are not available from a provider in

1 the health insurer's network.

2 (c) Notwithstanding any requirements to the contrary, a health insurer shall not subject any
3 HIV prevention drug to any prior authorization or step therapy requirement. There shall be no
4 copayment required, and no deductible shall need to be met, to obtain the prescription covered by
5 the contract, plan, or policy.

6 SECTION 2. Section 27-18-92 of the General Laws in Chapter 27-18 entitled "Accident
7 and Sickness Insurance Policies" is hereby repealed.

8 ~~27-18-92. Expedited prior authorization. [Effective January 1, 2024.]~~

9 ~~To the extent a prior authorization is permitted and applied, then it shall be conducted in~~
10 ~~an expedited manner as soon as possible, but no later than seventy-two (72) hours pursuant to § 27-~~
11 ~~18.9-6(a)(1).~~

12 SECTION 3. Section 27-19-83 of the General Laws in Chapter 27-19 entitled "Nonprofit
13 Hospital Service Corporations" is hereby amended to read as follows:

14 **27-19-83. Coverage for treatment of pre-exposure prophylaxis (PrEP) for the**
15 **prevention of HIV and post-exposure prophylaxis (PEP) to prevent HIV infection. [Effective**
16 **January 1, 2024.]**

17 (a) Every group health insurance contract, or every group hospital or medical expense
18 insurance policy, plan, or group policy delivered, issued for delivery, or renewed in this state, by
19 any health insurance carrier, on or after January 1, 2024, shall provide coverage for treatment of
20 pre-exposure prophylaxis ("PrEP") for the prevention of HIV and post-exposure prophylaxis
21 ("PEP") to prevent HIV infection. Each long-acting injectable drug with a different duration shall
22 constitute a separate method of administration. ~~A health insurer is not required to cover any pre-~~
23 ~~exposure prophylaxis drug or post-exposure prophylaxis drug dispensed or administered by an out-~~
24 ~~of-network pharmacy provider unless the enrollee's health plan provides an out-of-network~~
25 ~~pharmacy benefit.~~

26 (b) The healthcare benefits outlined in this chapter apply only to services delivered within
27 the health insurer's provider network; provided that, all health insurers shall be required to provide
28 coverage for those benefits mandated by this chapter outside of the health insurer's provider
29 network where it can be established that the required services are not available from a provider in
30 the health insurer's network.

31 (c) Notwithstanding any requirements to the contrary, a health insurer shall not subject any
32 HIV prevention drug to any prior authorization or step therapy requirement. There shall be no
33 copayment required, and no deductible shall need to be met, to obtain the prescription covered by
34 the contract, plan, or policy.

1 SECTION 4. Section 27-19-84 of the General Laws in Chapter 27-19 entitled "Nonprofit
2 Hospital Service Corporations" is hereby repealed.

3 ~~27-19-84. Expedited prior authorization. [Effective January 1, 2024.]~~

4 ~~To the extent a prior authorization is permitted and applied, then it shall be conducted in~~
5 ~~an expedited manner as soon as possible, but no later than seventy two (72) hours pursuant to § 27-~~
6 ~~18.9-6(a)(1).~~

7 SECTION 5. Section 27-20-79 of the General Laws in Chapter 27-20 entitled "Nonprofit
8 Medical Service Corporations" is hereby amended to read as follows:

9 **27-20-79. Coverage for treatment of pre-exposure prophylaxis (PrEP) for the**
10 **prevention of HIV and post-exposure prophylaxis (PEP) to prevent HIV infection. [Effective**
11 **January 1, 2024.]**

12 (a) Every group health insurance contract, or every group hospital or medical expense
13 insurance policy, plan, or group policy delivered, issued for delivery, or renewed in this state, by
14 any health insurance carrier, on or after January 1, 2024, shall provide coverage for treatment of
15 pre-exposure prophylaxis ("PrEP") for the prevention of HIV and post-exposure prophylaxis
16 ("PEP") to prevent HIV infection. Each long-acting injectable drug with a different duration shall
17 constitute a separate method of administration. ~~A health insurer is not required to cover any pre-~~
18 ~~exposure prophylaxis drug or post-exposure prophylaxis drug dispensed or administered by an out-~~
19 ~~of network pharmacy provider unless the enrollee's health plan provides an out-of network~~
20 ~~pharmacy benefit.~~

21 (b) The healthcare benefits outlined in this chapter apply only to services delivered within
22 the health insurer's provider network; provided that, all health insurers shall be required to provide
23 coverage for those benefits mandated by this chapter outside of the health insurer's provider
24 network where it can be established that the required services are not available from a provider in
25 the health insurer's network.

26 (c) Notwithstanding any requirements to the contrary, a health insurer shall not subject any
27 HIV prevention drug to any prior authorization or step therapy requirement. There shall be no
28 copayment required, and no deductible shall need to be met, to obtain the prescription covered by
29 the contract, plan, or policy.

30 SECTION 6. Section 27-20-80 of the General Laws in Chapter 27-20 entitled "Nonprofit
31 Medical Service Corporations" is hereby repealed.

32 ~~27-20-80. Expedited prior authorization. [Effective January 1, 2024.]~~

33 ~~To the extent a prior authorization is permitted and applied, then it shall be conducted in~~
34 ~~an expedited manner as soon as possible, but no later than seventy two (72) hours pursuant § 27-~~

1 ~~18.9-6(a)(1).~~

2 SECTION 7. Section 27-41-96 of the General Laws in Chapter 27-41 entitled "Health
3 Maintenance Organizations" is hereby amended to read as follows:

4 **27-41-96. Coverage for treatment of pre-exposure prophylaxis (PrEP) for the**
5 **prevention of HIV and post-exposure prophylaxis (PEP) to prevent HIV infection. [Effective**
6 **January 1, 2024.]**

7 (a) Every group health insurance contract, or every group hospital or medical expense
8 insurance policy, plan, or group policy delivered, issued for delivery, or renewed in this state, by
9 any health insurance carrier, on or after January 1, 2024, shall provide coverage for treatment of
10 pre-exposure prophylaxis ("PrEP") for the prevention of HIV and post-exposure prophylaxis
11 ("PEP") to prevent HIV infection. Each long-acting injectable drug with a different duration shall
12 constitute a separate method of administration. ~~A health insurer is not required to cover any pre-~~
13 ~~exposure prophylaxis drug or post-exposure prophylaxis drug dispensed or administered by an out-~~
14 ~~of-network pharmacy provider unless the enrollee's health plan provides an out-of-network~~
15 ~~pharmacy benefit.~~

16 (b) The healthcare benefits outlined in this chapter apply only to services delivered within
17 the health insurer's provider network; provided that, all health insurers shall be required to provide
18 coverage for those benefits mandated by this chapter outside of the health insurer's provider
19 network where it can be established that the required services are not available from a provider in
20 the health insurer's network.

21 (c) Notwithstanding any requirements to the contrary, a health insurer shall not subject any
22 HIV prevention drug to any prior authorization or step therapy requirement. There shall be no
23 copayment required, and no deductible shall need to be met, to obtain the prescription covered by
24 the contract, plan, or policy.

25 SECTION 8. Section 27-41-97 of the General Laws in Chapter 27-41 entitled "Health
26 Maintenance Organizations" is hereby repealed.

27 ~~**27-41-97. Expedited prior authorization. [Effective January 1, 2024.]**~~

28 ~~To the extent a prior authorization is permitted and applied, then it shall be conducted in~~
29 ~~an expedited manner as soon as possible, but no later than seventy-two (72) hours pursuant to § 27-~~
30 ~~18.9-6(a)(1).~~

31 SECTION 9. This act shall take effect on January 1, 2025.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO INSURANCE -- ACCIDENT AND SICKNESS INSURANCE POLICIES --
INSURANCE COVERAGE FOR PREVENTION OF HIV INFECTION

- 1 This act would eliminate prior authorization or step therapy requirement for prescriptions
- 2 for any HIV prevention drug. This act would also prohibit the requirement of any copayment or the
- 3 meeting of any deductible to obtain the prescription covered by the contract, plan, or policy.
- 4 This act would take effect on January 1, 2025.

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