

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO HUMAN SERVICES -- MEDICAL ASSISTANCE -- PRESCRIPTION  
DRUGS

Introduced By: Representatives Casey, Potter, Speakman, Donovan, Fenton-Fung,  
Kislak, Serpa, Cortvriend, Phillips, and Chippendale

Date Introduced: March 04, 2024

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 40-21 of the General Laws entitled "Medical Assistance —  
2 Prescription Drugs" is hereby amended by adding thereto the following section:

3 **40-21-4. Prohibition of prior authorization or step therapy protocol.**

4 (a) The Rhode Island state plan for medical assistance program, as defined by this chapter,  
5 and any contract between the Rhode Island medical assistance program, as defined under chapter  
6 8 of title 40, and a managed care organization shall not require prior authorization or a step therapy  
7 protocol for the prescription of a nonpreferred medication on their drug formulary used to assess  
8 or treat an enrollee's bipolar disorder, schizophrenia or schizotypal disorder, major depressive  
9 disorder, or post-traumatic stress disorder as defined by the American Psychiatric Association's  
10 Diagnostic and Statistical Manual of Mental Disorders, fifth edition, or an epilepsy or seizure  
11 disorder; if:

12 (1) The enrollee has been previously prescribed and filled or refilled a nonpreferred  
13 medication to treat bipolar disorder, schizophrenia or schizotypal disorder, major depressive  
14 disorder, or post-traumatic stress disorder as defined by the American Psychiatric Association's  
15 Diagnostic and Statistical Manual of Mental Disorders, fifth edition, or an epilepsy or seizure  
16 disorder;

17 (2) A preferred medication to treat bipolar disorder, schizophrenia or schizotypal disorder,  
18 major depressive disorder, or post-traumatic stress disorder as defined by the American Psychiatric

1 Association's Diagnostic and Statistical Manual of Mental Disorders, fifth edition, or an epilepsy  
2 or seizure disorder has been tried by the enrollee and has failed to produce the desired health  
3 outcomes;

4 (3) The enrollee has tried a preferred medication to treat bipolar disorder, schizophrenia or  
5 schizotypal disorder, major depressive disorder, or post-traumatic stress disorder as defined by the  
6 American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, fifth  
7 edition or an epilepsy or seizure disorder and has experienced unacceptable side effects;

8 (4) The enrollee has been stabilized on a nonpreferred medication to treat bipolar disorder,  
9 schizophrenia or schizotypal disorder, major depressive disorder, or post-traumatic stress disorder  
10 as defined by the American Psychiatric Association's Diagnostic and Statistical Manual of Mental  
11 Disorders, fifth edition or an epilepsy or seizure disorder and transition to the preferred medication  
12 would be medically contraindicated;

13 (5) The enrollee was prescribed and unsuccessfully treated with a preferred medication to  
14 treat bipolar disorder, schizophrenia or schizotypal disorder, major depressive disorder, or post-  
15 traumatic stress disorder as defined by the American Psychiatric Association's Diagnostic and  
16 Statistical Manual of Mental Disorders, fifth edition or an epilepsy or seizure disorder and at least  
17 a single claim was paid; or

18 (6) Upon confirmation of the enrollee's inpatient utilization, the enrollee is stable on a  
19 nonpreferred medication to treat bipolar disorder, schizophrenia or schizotypal disorder, major  
20 depressive disorder, or post-traumatic stress disorder as defined by the American Psychiatric  
21 Association's Diagnostic and Statistical Manual of Mental Disorders, fifth edition or an epilepsy  
22 or seizure disorder that was ordered by their health care provider in an inpatient setting.

23 (b) If it is determined that authorization from a federal agency is necessary for the  
24 implementation of this section, the executive office of health and human services is authorized to  
25 seek such state plan amendment and may delay implementing the provisions until the authorization  
26 is granted.

27 (c) The Rhode Island medical assistance program, as defined under chapter 8 of title 40,  
28 shall require through amending current and future medical assistance managed care contracts, that  
29 the managed care organizations meet the provisions of this section.

30 (d) This section does not prevent the Rhode Island medical assistance program, as defined  
31 under chapter 8 of title 40, and any contract between the Rhode Island medical assistance program  
32 and a managed care organization from denying an exception for a medication that has been removed  
33 from the market due to safety concerns from the federal Food and Drug Administration.

34 (e) For the purposes of this section, "step therapy protocol" means a protocol that

1 [establishes a specific sequence in which prescription medications for a specified medical condition](#)  
2 [is medically necessary for a particular enrollee and is covered under a pharmacy or medical benefit](#)  
3 [by a carrier, including self-administered and physician-administered drugs.](#)

4           SECTION 2. This act shall take effect upon passage and applies to all healthcare policies,  
5 contracts, plans, and certificates executed, delivered, issued for delivery, continued or renewed in  
6 this state on or after January 1, 2025.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO HUMAN SERVICES -- MEDICAL ASSISTANCE -- PRESCRIPTION  
DRUGS

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1           This act would prohibit the Rhode Island medical assistance program, and any contract  
2 between the Rhode Island medical assistance program and a managed care organization from  
3 utilizing or requiring prior authorization or a step therapy protocol for the prescription of a  
4 nonpreferred medication on their drug formulary used to assess or treat an enrollee's bipolar  
5 disorder, schizophrenia or schizotypal disorder, major depressive disorder, or post-traumatic stress  
6 disorder as defined by the American Psychiatric Association's Diagnostic and Statistical Manual  
7 of Mental Disorders, fifth edition, or an epilepsy or seizure disorder under certain circumstances.

8           This act would take effect upon passage and apply to all healthcare policies, contracts, and  
9 plans executed, delivered, issued for delivery, continued or renewed in this state on or after January  
10 1, 2025.

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