

HOUSE BILL No. 2720

By Committee on Federal and State Affairs

3-8

1 AN ACT concerning healthcare and health insurance; relating to health
2 benefit plan coverage; prescription medication; restricting the use of
3 step therapy protocols.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. (a) As used in this section:

7 (1) "Health benefit plan" means the same as defined in K.S.A. 40-
8 4602, and amendments thereto.

9 (2) "Health insurer" means the same as defined in K.S.A. 40-4602,
10 and amendments thereto.

11 (3) "Step therapy protocol" means a protocol or program used by a
12 health insurer providing or administering a health benefit plan to require a
13 patient to utilize or fail with a drug usage or drug therapy prior to allowing
14 such patient to receive the product or therapy recommended by the
15 patient's prescribing healthcare provider.

16 (b) A health insurer shall provide to prescribing healthcare providers
17 access to a clear, convenient and readily accessible method to request
18 override of a step therapy protocol. Such method shall be disclosed to
19 patients and prescribing healthcare providers covered by health benefit
20 plans provided by the health insurer. A health insurer shall expeditiously
21 grant a prescribing healthcare provider's request to override a step therapy
22 protocol if:

23 (1) The prescription drug required by the health insurer is
24 contraindicated for the patient or will likely cause an adverse reaction or
25 physical or mental harm to the patient;

26 (2) the prescription drug required by the health insurer is expected to
27 be ineffective, based on the known clinical characteristics of the patient
28 and the known characteristics of the required prescription drug regimen;

29 (3) the patient has previously tried the prescription drug required by
30 the health insurer while under such patient's current or previous health
31 benefit plan, or another prescription drug in the same pharmacologic class
32 or with the same mechanism of action, and such prescription drug was
33 discontinued due to lack of efficacy, diminished effect or adverse physical
34 or mental health effects;

35 (4) the patient is stable on a different prescription drug selected by
36 such patient's prescribing healthcare provider for treatment of the medical

1 condition under consideration; or

2 (5) the prescription drug required by the health insurer is not in the
3 best interests of the patient based on the patient's prescribing healthcare
4 provider's determination of medical necessity.

5 (c) A health insurer shall respond to and render a decision on a
6 prescribing healthcare provider's request to override a step therapy
7 protocol, or an appeal related to such request, within 72 hours of receiving
8 such request. If the prescribing healthcare provider indicates in the request
9 or appeal that exigent circumstances exist, the health insurer shall respond
10 to such request or appeal within 24 hours of receiving such request. If a
11 health insurer does not respond to a request or appeal within the time
12 limits established in this subsection, the request or appeal shall be deemed
13 granted. Upon granting such a request or appeal, the health insurer shall
14 authorize dispensation of and coverage for the prescription drug, if such
15 drug is covered under the applicable health benefit plan.

16 (d) Nothing in this section shall prevent:

17 (1) A health insurer from requiring that a covered patient use a
18 generic prescription drug before providing coverage for a prescribed
19 brand-name prescription drug, if such generic prescription drug has been
20 classified by the federal food and drug administration and published in the
21 approved drug products with therapeutic equivalence evaluations list as
22 having a therapeutic equivalence evaluation of AB with the brand-name
23 prescription drug; or

24 (2) a prescribing healthcare provider from prescribing a prescription
25 drug that the provider determines to be medically appropriate or necessary.

26 Sec. 2. This act shall take effect and be in force from and after its
27 publication in the statute book.