



General Assembly

Substitute Bill No. 6831

January Session, 2023



AN ACT CONCERNING THE OVERRIDE OF STEP THERAPY FOR CERTAIN MENTAL HEALTH CONDITIONS AND ESTABLISHING A TASK FORCE TO STUDY DATA COLLECTION EFFORTS REGARDING STEP THERAPY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (1) of subsection (b) of section 38a-510 of the
2 general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2023*):

4 (b) (1) Notwithstanding the sixty-day period set forth in subdivision
5 (2) of subsection (a) of this section, each insurance company, hospital
6 service corporation, medical service corporation, health care center or
7 other entity that uses step therapy for such prescription drugs shall
8 establish and disclose to its health care providers a process by which
9 an insured's treating health care provider may request at any time an
10 override of the use of any step therapy drug regimen. Such disclosure
11 shall be made to health care providers, in writing, not less than once
12 each calendar year and such health care provider shall display in a
13 conspicuous and prominent location, including the provider's Internet
14 web site and on a bulletin board in the provider's office, information
15 regarding the override process. Any such override process shall be
16 convenient to use by health care providers and an override request
17 shall be expeditiously granted when an insured's treating health care

18 provider demonstrates that the drug regimen required under step
19 therapy (A) has been ineffective in the past for treatment of the
20 insured's medical condition, (B) is expected to be ineffective based on
21 the known relevant physical or mental characteristics of the insured
22 and the known characteristics of the drug regimen, (C) will cause or
23 will likely cause an adverse reaction by or physical harm to the
24 insured, or (D) is not in the best interest of the insured, based on
25 medical necessity. For the period commencing October 1, 2023, and
26 ending October 1, 2026, inclusive, in the case of a prescribed drug for
27 the treatment of schizophrenia, major depressive disorder or bipolar
28 disorder, as defined in the most recent edition of the American
29 Psychiatric Association's "Diagnostic and Statistical Manual of Mental
30 Disorders", such override request shall be granted not later than
31 twenty-four hours from the time of request.

32 Sec. 2. Subdivision (1) of subsection (b) of section 38a-544 of the
33 general statutes is repealed and the following is substituted in lieu
34 thereof (*Effective October 1, 2023*):

35 (b) (1) Notwithstanding the sixty-day period set forth in subdivision
36 (2) of subsection (a) of this section, each insurance company, hospital
37 service corporation, medical service corporation, health care center or
38 other entity that uses step therapy for such prescription drugs shall
39 establish and disclose to its health care providers a process by which
40 an insured's treating health care provider may request at any time an
41 override of the use of any step therapy drug regimen. Such disclosure
42 shall be made to health care providers, in writing, not less than once
43 each calendar year and such health care provider shall display in a
44 conspicuous and prominent location, including the provider's Internet
45 web site and on a bulletin board in the provider's office, information
46 regarding the override process. Any such override process shall be
47 convenient to use by health care providers and an override request
48 shall be expeditiously granted when an insured's treating health care
49 provider demonstrates that the drug regimen required under step
50 therapy (A) has been ineffective in the past for treatment of the

51 insured's medical condition, (B) is expected to be ineffective based on
52 the known relevant physical or mental characteristics of the insured
53 and the known characteristics of the drug regimen, (C) will cause or
54 will likely cause an adverse reaction by or physical harm to the
55 insured, or (D) is not in the best interest of the insured, based on
56 medical necessity. For the period commencing on October 1, 2023, and
57 ending October 1, 2026, inclusive, in the case of a prescribed drug for
58 the treatment of schizophrenia, major depressive disorder or bipolar
59 disorder, as defined in the most recent edition of the American
60 Psychiatric Association's "Diagnostic and Statistical Manual of Mental
61 Disorders", such override request shall be granted not later than
62 twenty-four hours from the time of request.

63 Sec. 3. (*Effective from passage*) (a) There is established a task force to
64 study data collection efforts regarding step therapy. Such study shall
65 include, but need not be limited to, data collection regarding step
66 therapy edits, rejections and appeals of behavioral health drugs and
67 the best methods to collect such data.

68 (b) The task force shall consist of the following members:

69 (1) One appointed by the speaker of the House of Representatives,
70 who shall be a health care provider with expertise in mental health;

71 (2) One appointed by the president pro tempore of the Senate, who
72 shall be a health care provider with expertise in mental health;

73 (3) One appointed by the minority leader of the House of
74 Representatives, who shall be a pharmacist licensed under chapter 400j
75 of the general statutes;

76 (4) One appointed by the minority leader of the Senate, who shall be
77 a representative of the pharmaceutical manufacturing industry;

78 (5) The chairpersons and ranking members of the joint standing
79 committees of the General Assembly having cognizance of matters
80 relating to public health and insurance, or their designees;

81 (6) The executive director of the Office of Health Strategy, or the
82 executive director's designee;

83 (7) The Insurance Commissioner, or the commissioner's designee;

84 (8) The Commissioner of Consumer Protection, or the
85 commissioner's designee;

86 (9) One representative of the insurance industry, to be appointed by
87 the House chairperson of the joint standing committee of the General
88 Assembly having cognizance of matters relating to insurance;

89 (10) One representative of the pharmaceutical industry, to be
90 appointed by the House ranking member of the joint standing
91 committee of the General Assembly having cognizance of matters
92 relating to insurance;

93 (11) One mental health care provider, to be appointed by the House
94 chairperson of the joint standing committee of the General Assembly
95 having cognizance of matters relating to insurance; and

96 (12) One representative of a mental health advocacy group, who
97 shall be an impacted individual, to be appointed by the House ranking
98 member of the joint standing committee of the General Assembly
99 having cognizance of matters relating to public health.

100 (c) All initial appointments to the task force shall be made not later
101 than thirty days after the effective date of this section. Any vacancy
102 shall be filled by the appointing authority.

103 (d) The speaker of the House of Representatives and the president
104 pro tempore of the Senate shall select the chairpersons of the task force
105 from among the members of the task force. Such chairpersons shall
106 schedule the first meeting of the task force, which shall be held not
107 later than sixty days after the effective date of this section.

108 (e) The administrative staff of the joint standing committee of the

109 General Assembly having cognizance of matters relating to public
110 health shall serve as administrative staff of the task force.

111 (f) Not later than February 1, 2024, the task force shall submit a
112 report on its findings and recommendations concerning subsection (a)
113 of this section to the joint standing committees of the General
114 Assembly having cognizance of matters relating to insurance and
115 public health, in accordance with the provisions of section 11-4a of the
116 general statutes. The task force shall terminate on the date that it
117 submits such report or on February 1, 2024, whichever is earlier.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2023</i>	38a-510(b)(1)
Sec. 2	<i>October 1, 2023</i>	38a-544(b)(1)
Sec. 3	<i>from passage</i>	New section

INS *Joint Favorable Subst.*