

2018 Regular Session

SENATE BILL NO. 29

BY SENATOR MILLS

HEALTH SERVICES. Provides relative to a single uniform prescription drug prior authorization form. (1/1/19)

1 AN ACT

2 To amend and reenact R.S. 22:1006.1(A)(4) and (B) and R.S. 46:460.33 and to enact R.S.
3 22:1006.1(C), (D), and (E), relative to a single uniform prescription drug prior
4 authorization form; to provide for applicability to health insurance issuers and
5 Medicaid managed care organizations; to provide for promulgation of the form by
6 the Louisiana Board of Pharmacy and the Louisiana State Board of Medical
7 Examiners; to provide for the authority to impose sanctions pursuant to current
8 regulatory and contract authority; to provide for an effective date; and to provide for
9 related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 22:1006.1(A)(4) and (B) are hereby amended and reenacted and R.S.
12 22:1006.1(C), (D), and (E) are hereby enacted to read as follows:

13 §1006.1. Prior authorization forms required; criteria

14 A. As used in this Section:

15 * * *

16 (4) "Prior authorization form" shall mean a ~~standardized, uniform application~~
17 ~~developed by a health insurance issuer~~ **single uniform prescription drug prior**

1 authorization form used by all health insurance issuers, including any health
2 insurance issuer pharmacy benefit managers, for the purpose of obtaining prior
3 authorization.

4 B. Notwithstanding any other provision of law to the contrary, in order to
5 establish uniformity in the submission of prescription drug prior authorization
6 forms, on and after January 1, ~~2013~~ 2019, a health insurance issuer shall utilize only
7 a single, ~~standardized prior authorization~~ uniform prescription drug prior
8 authorization form for obtaining any prior authorization for prescription drug
9 benefits. The requirement for a single uniform prescription drug prior
10 authorization form shall not apply to prior authorization of specialty drugs or
11 in cases where electronic prescriptions are utilized. The form shall not exceed two
12 pages in length, excluding any instructions or guiding documentation. The only
13 form allowable for use shall be the form jointly promulgated by the Louisiana
14 Board of Pharmacy and the Louisiana State Board of Medical Examiners. A
15 health insurance issuer may include issuer specific information on the form,
16 including but not limited to the issuer's name, address, logo, and other contact
17 information for the issuer. A health insurance issuer may make the form accessible
18 through multiple computer operating systems. ~~Additionally, the health insurance~~
19 ~~issuer shall submit its prior authorization forms to the Department of Insurance to be~~
20 ~~kept on file on or after January 1, 2013. A copy of any subsequent replacements or~~
21 ~~modifications of a health insurance issuer's prior authorization form shall be filed~~
22 ~~with the Department of Insurance within fifteen days prior to use or implementation~~
23 ~~of such replacements or modifications.~~

24 C. The Louisiana Board of Pharmacy and the Louisiana State Board of
25 Medical Examiners shall promulgate rules and regulations prior to January 1,
26 2019, that establish the form that shall be utilized by all health insurance
27 issuers. The boards may consult with the health insurance issuers, Medicaid
28 managed care organizations, Louisiana Department of Health, and Department
29 of Insurance as necessary in development of the prior authorization form.

1 **D. The Department of Insurance, under its authority in this Title, shall**
2 **assess sanctions against any health insurance issuer that directly, or through its**
3 **pharmacy benefit managers, utilizes any prescription drug prior authorization**
4 **form other than the single uniform prescription drug prior authorization form**
5 **provided for in this Section.**

6 **E. The single uniform prescription drug prior authorization form**
7 **provided for in this Section shall be the same as provided for in R.S. 46:460.33.**

8 Section 2. R.S. 46:460.33 is hereby amended and reenacted to read as follows:

9 §460.33. Prior authorization form; requirements

10 **A. There shall be a single uniform prescription drug prior authorization**
11 **form used by all Medicaid managed care organizations, including any Medicaid**
12 **managed care organization pharmacy benefit managers. The requirement for**
13 **a single uniform prescription drug prior authorization form shall not apply to**
14 **prior authorization of specialty drugs or in cases where electronic prescriptions**
15 **are utilized.** All managed care organizations shall ~~accept, in addition to any~~
16 ~~currently accepted facsimile and electronic prior authorization forms, a standard~~ **use**
17 **a single uniform prescription drug** prior authorization form, not to exceed two
18 pages, excluding guidelines or instructions, that has been ~~duly~~ **jointly** promulgated
19 by the ~~department~~ **Louisiana Board of Pharmacy and the Louisiana State Board**
20 **of Medical Examiners** in accordance with the Administrative Procedure Act. **A**
21 **Medicaid managed care organization may include organization specific**
22 **information on the form, including but not limited to the organization's name,**
23 **address, logo, and other contact information for the organization.** A health care
24 provider may submit the prior authorization form electronically if the **Medicaid**
25 managed care organization allows for submission of the form in this manner.

26 B. The ~~department~~ **Louisiana Board of Pharmacy and the Louisiana State**
27 **Board of Medical Examiners** shall promulgate rules and regulations prior to
28 January 1, ~~2014~~ **2019**, that establish the form which shall be utilized by all **Medicaid**
29 managed care organizations. The ~~department~~ **boards** may consult with the **health**

1 insurance issuers, Medicaid managed care organizations, Louisiana Department
 2 of Health, and Department of Insurance as necessary in development of the prior
 3 authorization form.

4 C. Pursuant to its contract with any Medicaid managed care
 5 organization, the department shall assess sanctions against any Medicaid
 6 managed care organization that directly or through its pharmacy benefit
 7 managers, utilizes any prescription drug prior authorization form other than
 8 the single uniform prescription drug prior authorization form provided for in
 9 this Section.

10 D. The single uniform prescription drug prior authorization form
 11 provided for in this Section shall be the same as provided for in R.S. 22:1006.1.

12 Section 3. This Act shall become effective on January 1, 2019.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Christine Arbo Peck.

DIGEST

SB 29 Reengrossed

2018 Regular Session

Mills

Present law requires individual health insurance issuers licensed by the Department of Insurance to use a standardized prescription drug prior authorization form. The form must be submitted to the Department of Insurance and kept on file with their office.

Present law requires Medicaid managed care organizations that contract with the Louisiana Department of Health to use a standard form, in addition to other forms, for prescription drug prior authorization.

Proposed law requires the Louisiana Board of Pharmacy and the Louisiana State Board of Medical Examiners to develop a single uniform prescription drug prior authorization form for all health insurance issuers, Medicaid managed care organizations, and their respective pharmacy benefit managers. Proposed law provides that the single uniform prescription drug prior authorization form does not apply to specialty drugs or in cases where electronic prescriptions are utilized.

Proposed law provides that the Louisiana Board of Pharmacy and the Louisiana State Board of Medical Examiners may consult with the health insurance issuers, Medicaid managed care organizations, Louisiana Department of Health, and Department of Insurance as necessary in developing the form.

Proposed law authorizes the Department of Insurance, under their regulatory authority in Title 22 and the Department of Health pursuant to its contracts with Medicaid managed care organizations to impose sanctions for failure to comply with the requirement of using only the single uniform prescription drug prior authorization form.

Proposed law implements use of the single uniform prescription drug prior authorization form on and after January 1, 2019.

Effective January 1, 2019.

(Amends R.S. 22:1006.1(A)(4) and (B) and R.S. 46:460.33; adds R.S. 22:1006.1(C), (D), and (E))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Provides that the single uniform prescription drug prior authorization form does not apply to prior authorization of specialty drugs or in cases where electronic prescriptions are utilized.
2. Provides that the Louisiana Board of Pharmacy and the Louisiana State Board of Medical Examiners may consult with the health insurance issuers, Medicaid managed care organizations, Louisiana Department of Health, and Department of Insurance as necessary in developing the form.
3. Clarifies that the provisions of R.S. 46:460.33 apply to Medicaid managed care organizations.