



General Assembly

January Session, 2023

Raised Bill No. 6831

LCO No. 3151



Referred to Committee on INSURANCE AND REAL ESTATE

Introduced by:
(INS)

AN ACT CONCERNING THE OVERRIDE OF STEP THERAPY FOR CERTAIN MENTAL HEALTH CONDITIONS.

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2 general statutes is repealed and the following is substituted in lieu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

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32 general statutes is repealed and the following is substituted in lieu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

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

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

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

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

67 (1) One appointed by the speaker of the House of Representatives,
68 who is a health care provider with expertise in mental health;

69 (2) One appointed by the president pro tempore of the Senate, who is
70 a health care provider with expertise in mental health;

71 (3) One appointed by the minority leader of the House of
72 Representatives, who is a health care provider with expertise in mental
73 health;

74 (4) One appointed by the minority leader of the Senate, who is a
75 health care provider with expertise in mental health;

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

79 (6) The executive director of the Office of Health Strategy, or the

80 executive director's designee;

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

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

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

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

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

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

98 (c) The administrative staff of the joint standing committee of the
99 General Assembly having cognizance of matters relating to public
100 health shall serve as administrative staff of the task force.

101 (d) Not later than February 1, 2024, the task force shall submit a report
102 on its findings and recommendations concerning subsection (a) of this
103 section to the joint standing committees of the General Assembly having
104 cognizance of matters relating to insurance and public health, in
105 accordance with the provisions of section 11-4a of the general statutes.
106 The task force shall terminate on the date that it submits such report or
107 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

Statement of Purpose:

To (1) allow providers to override step therapy for certain mental health conditions, and (2) establish a task force to study data collection efforts regarding step therapy.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]