



General Assembly

Substitute Bill No. 182

February Session, 2024



**AN ACT PROHIBITING CERTAIN HEALTH CARRIERS FROM
REQUIRING STEP THERAPY FOR PRESCRIPTION DRUGS USED TO
TREAT A MENTAL OR BEHAVIORAL HEALTH CONDITION OR A
CHRONIC, DISABLING OR LIFE-THREATENING CONDITION.**

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

1 Section 1. Section 38a-510 of the 2024 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective January 1, 2025*):

4 (a) No insurance company, hospital service corporation, medical
5 service corporation, health care center or other entity delivering, issuing
6 for delivery, renewing, amending or continuing an individual health
7 insurance policy or contract that provides coverage for prescription
8 drugs may:

9 (1) Require any person covered under such policy or contract to
10 obtain prescription drugs from a mail order pharmacy as a condition of
11 obtaining benefits for such drugs; or

12 (2) Require, if such insurance company, hospital service corporation,
13 medical service corporation, health care center or other entity uses step
14 therapy for such drugs, the use of step therapy (A) for any prescribed
15 drug for longer than [thirty] twenty days, (B) for a prescribed drug for

16 cancer treatment for an insured who has been diagnosed with stage IV
17 metastatic cancer provided such prescribed drug is in compliance with
18 approved federal Food and Drug Administration indications, [or] (C)
19 for the period commencing January 1, 2024, and ending January 1, 2027,
20 inclusive, for the treatment of schizophrenia, major depressive disorder
21 or bipolar disorder, as defined in the most recent edition of the
22 American Psychiatric Association's "Diagnostic and Statistical Manual
23 of Mental Disorders", (D) for the period commencing January 1, 2025,
24 for a prescribed drug for the treatment of a mental or behavioral health
25 condition, provided such prescribed drug is in compliance with
26 approved federal Food and Drug Administration indications, or (E) for
27 the period commencing January 1, 2025, for a prescribed drug for the
28 treatment of a chronic, disabling or life-threatening condition or disease,
29 provided such prescribed drug is in compliance with approved federal
30 Food and Drug Administration indications.

31 (3) At the expiration of the time period specified in subparagraph (A)
32 of subdivision (2) of this subsection or for a prescribed drug described
33 in subparagraph (B), [or] (C), (D) or (E) of subdivision (2) of this
34 subsection, an insured's treating health care provider may deem such
35 step therapy drug regimen clinically ineffective for the insured, at which
36 time the insurance company, hospital service corporation, medical
37 service corporation, health care center or other entity shall authorize
38 dispensation of and coverage for the drug prescribed by the insured's
39 treating health care provider, provided such drug is a covered drug
40 under such policy or contract. If such provider does not deem such step
41 therapy drug regimen clinically ineffective or has not requested an
42 override pursuant to subdivision (1) of subsection (b) of this section,
43 such drug regimen may be continued. For purposes of this section, "step
44 therapy" means a protocol or program that establishes the specific
45 sequence in which prescription drugs for a specified medical condition
46 are to be prescribed.

47 (b) (1) Notwithstanding the [sixty-day] twenty-day period set forth
48 in subparagraph (A) of subdivision (2) of subsection (a) of this section,

49 each insurance company, hospital service corporation, medical service
50 corporation, health care center or other entity that uses step therapy for
51 such prescription drugs shall establish and disclose to its health care
52 providers a process by which an insured's treating health care provider
53 may request at any time an override of the use of any step therapy drug
54 regimen. Any such override process shall be convenient to use by health
55 care providers and an override request shall be expeditiously granted
56 when an insured's treating health care provider demonstrates that the
57 drug regimen required under step therapy (A) has been ineffective in
58 the past for treatment of the insured's medical condition, (B) is expected
59 to be ineffective based on the known relevant physical or mental
60 characteristics of the insured and the known characteristics of the drug
61 regimen, (C) will cause or will likely cause an adverse reaction by or
62 physical harm to the insured, or (D) is not in the best interest of the
63 insured, based on medical necessity.

64 (2) Upon the granting of an override request, the insurance company,
65 hospital service corporation, medical service corporation, health care
66 center or other entity shall authorize dispensation of and coverage for
67 the drug prescribed by the insured's treating health care provider,
68 provided such drug is a covered drug under such policy or contract.

69 (c) Nothing in this section shall (1) preclude an insured or an
70 insured's treating health care provider from requesting a review under
71 sections 38a-591c to 38a-591g, inclusive, or (2) affect the provisions of
72 section 38a-492i.

73 Sec. 2. Section 38a-544 of the 2024 supplement to the general statutes
74 is repealed and the following is substituted in lieu thereof (*Effective*
75 *January 1, 2025*):

76 (a) No insurance company, hospital service corporation, medical
77 service corporation, health care center or other entity delivering, issuing
78 for delivery, renewing, amending or continuing a group health
79 insurance policy or contract that provides coverage for prescription
80 drugs may:

81 (1) Require any person covered under such policy or contract to
82 obtain prescription drugs from a mail order pharmacy as a condition of
83 obtaining benefits for such drugs; or

84 (2) Require, if such insurance company, hospital service corporation,
85 medical service corporation, health care center or other entity uses step
86 therapy for such drugs, the use of step therapy (A) for any prescribed
87 drug for longer than [thirty] twenty days, (B) for a prescribed drug for
88 cancer treatment for an insured who has been diagnosed with stage IV
89 metastatic cancer provided such prescribed drug is in compliance with
90 approved federal Food and Drug Administration indications, [or] (C)
91 for the period commencing January 1, 2024, and ending January 1, 2027,
92 inclusive, for the treatment of schizophrenia, major depressive disorder
93 or bipolar disorder, as defined in the most recent edition of the
94 American Psychiatric Association's "Diagnostic and Statistical Manual
95 of Mental Disorders", (D) for the period commencing January 1, 2025,
96 for a prescribed drug for the treatment of a mental or behavioral health
97 condition, provided such prescribed drug is in compliance with
98 approved federal Food and Drug Administration indications, or (E) for
99 the period commencing January 1, 2025, for a prescribed drug for the
100 treatment of a chronic, disabling or life-threatening condition or disease,
101 provided such prescribed drug is in compliance with approved federal
102 Food and Drug Administration indications.

103 (3) At the expiration of the time period specified in subparagraph (A)
104 of subdivision (2) of this subsection or for a prescribed drug described
105 in subparagraph (B), [or] (C), (D) or (E) of subdivision (2) of this
106 subsection, an insured's treating health care provider may deem such
107 step therapy drug regimen clinically ineffective for the insured, at which
108 time the insurance company, hospital service corporation, medical
109 service corporation, health care center or other entity shall authorize
110 dispensation of and coverage for the drug prescribed by the insured's
111 treating health care provider, provided such drug is a covered drug
112 under such policy or contract. If such provider does not deem such step
113 therapy drug regimen clinically ineffective or has not requested an

114 override pursuant to subdivision (1) of subsection (b) of this section,
115 such drug regimen may be continued. For purposes of this section, "step
116 therapy" means a protocol or program that establishes the specific
117 sequence in which prescription drugs for a specified medical condition
118 are to be prescribed.

119 (b) (1) Notwithstanding the [sixty-day] twenty-day period set forth
120 in subparagraph (A) of subdivision (2) of subsection (a) of this section,
121 each insurance company, hospital service corporation, medical service
122 corporation, health care center or other entity that uses step therapy for
123 such prescription drugs shall establish and disclose to its health care
124 providers a process by which an insured's treating health care provider
125 may request at any time an override of the use of any step therapy drug
126 regimen. Any such override process shall be convenient to use by health
127 care providers and an override request shall be expeditiously granted
128 when an insured's treating health care provider demonstrates that the
129 drug regimen required under step therapy (A) has been ineffective in
130 the past for treatment of the insured's medical condition, (B) is expected
131 to be ineffective based on the known relevant physical or mental
132 characteristics of the insured and the known characteristics of the drug
133 regimen, (C) will cause or will likely cause an adverse reaction by or
134 physical harm to the insured, or (D) is not in the best interest of the
135 insured, based on medical necessity.

136 (2) Upon the granting of an override request, the insurance company,
137 hospital service corporation, medical service corporation, health care
138 center or other entity shall authorize dispensation of and coverage for
139 the drug prescribed by the insured's treating health care provider,
140 provided such drug is a covered drug under such policy or contract.

141 (c) Nothing in this section shall (1) preclude an insured or an
142 insured's treating health care provider from requesting a review under
143 sections 38a-591c to 38a-591g, inclusive, or (2) affect the provisions of
144 section 38a-518i.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2025</i>	38a-510
Sec. 2	<i>January 1, 2025</i>	38a-544

PH *Joint Favorable Subst.*