

1 (5) PATIENT COMPLIANCE, THERAPEUTIC INTERVENTION AND GENERIC SUBSTI-
2 TUTION PROGRAMS; AND

3 (6) DISEASE MANAGEMENT.

4 S 3302. PRESCRIPTION DRUG RESTRICTION OVERRIDES. (A) WHEN MEDICATIONS
5 FOR THE TREATMENT OF ANY MEDICAL CONDITION ARE RESTRICTED FOR USE BY AN
6 INSURER OR PBM BY A STEP THERAPY OR FAIL FIRST PROTOCOL, A PRESCRIBER
7 SHALL HAVE ACCESS TO A CLEAR AND CONVENIENT PROCESS TO OVERRIDE SUCH
8 RESTRICTIONS FROM THE INSURER AND MAY EXPEDITIOUSLY OVERRIDE SUCH
9 RESTRICTION IF:

10 (1) SUCH PRESCRIBER, IN HIS OR HER PROFESSIONAL JUDGMENT, BELIEVES
11 THAT THE PREFERRED TREATMENT BY THE INSURER OR THE PBM HAS BEEN INEFFECT-
12 TIVE IN THE TREATMENT OF THE COVERED PERSON'S DISEASE OR MEDICAL CONDI-
13 TION; OR

14 (2) BASED ON SOUND CLINICAL EVIDENCE AND MEDICAL AND SCIENTIFIC
15 EVIDENCE:

16 (A) SUCH PRESCRIBER, IN HIS OR HER PROFESSIONAL JUDGMENT, BELIEVES
17 THAT THE PREFERRED TREATMENT IS EXPECTED TO BE INEFFECTIVE BASED ON THE
18 KNOWN RELEVANT PHYSICAL OR MENTAL CHARACTERISTICS OF THE COVERED PERSON
19 AND KNOWN CHARACTERISTICS OF THE DRUG REGIMEN, AND IS LIKELY TO BE INEF-
20 FECTIVE OR ADVERSELY AFFECT THE DRUG'S EFFECTIVENESS OR PATIENT COMPLI-
21 ANCE; OR

22 (B) SUCH PRESCRIBER, IN HIS OR HER PROFESSIONAL JUDGMENT, BELIEVES
23 THAT THE PREFERRED TREATMENT HAS CAUSED OR IS LIKELY TO CAUSE AN ADVERSE
24 REACTION OR OTHER HARM TO THE COVERED PERSON.

25 (B) THE DURATION OF ANY STEP THERAPY OR FAIL FIRST PROTOCOL SHALL NOT
26 BE LONGER THAN EITHER (1) THE PERIOD DEEMED NECESSARY BY THE PRESCRIBING
27 PHYSICIAN OR HEALTH CARE PROFESSIONAL TO DETERMINE THE TREATMENT'S CLIN-
28 ICAL EFFECTIVENESS, OR (2) A PERIOD OF THIRTY DAYS.

29 (C) FOR MEDICATIONS WITH NO GENERIC EQUIVALENT AND FOR WHICH THE PRES-
30 CRIBER IN HIS OR HER CLINICAL JUDGMENT BELIEVES THAT NO APPROPRIATE
31 THERAPEUTIC ALTERNATIVE IS AVAILABLE, AN INSURER OR PBM SHALL PROVIDE
32 ACCESS TO UNITED STATES FOOD AND DRUG ADMINISTRATION (FDA) LABELED MEDI-
33 CATIONS WITHOUT RESTRICTION TO TREAT SUCH MEDICAL CONDITIONS FOR WHICH
34 AN FDA LABELED MEDICATION IS AVAILABLE.

35 (D) NOTHING IN THIS SECTION SHALL REQUIRE COVERAGE FOR AN ADDITIONAL
36 CONDITION NOT ALREADY COVERED BY THE POLICY OR CONTRACT, OR WHICH IS NOT
37 OTHERWISE COVERED BY LAW.

38 S 2. This act shall take effect on the one hundred twentieth day after
39 it shall have become a law.