

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 17-0852.02 Kristen Forrestal x4217

SENATE BILL 17-203

SENATE SPONSORSHIP

Todd, Coram, Aguilar, Crowder, Kefalas

HOUSE SPONSORSHIP

Covarrubias and Kennedy,

Senate Committees

Business, Labor, & Technology

House Committees

Health, Insurance, & Environment

A BILL FOR AN ACT

101 **CONCERNING THE PROHIBITION AGAINST A CARRIER REQUIRING A**
102 **COVERED PERSON TO UNDERGO STEP THERAPY, AND, IN**
103 **CONNECTION THEREWITH, REQUIRING COVERAGE FOR A**
104 **PRESCRIBED MEDICATION THAT IS PART OF THE CARRIER'S**
105 **MEDICATION FORMULARY.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill prohibits a carrier from requiring a covered person to undergo step therapy:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

HOUSE
3rd Reading Unamended
April 18, 2017

HOUSE
Amended 2nd Reading
April 13, 2017

SENATE
3rd Reading Unamended
March 22, 2017

SENATE
Amended 2nd Reading
March 21, 2017

- ! When being treated for a terminal condition; or
- ! If the covered person has tried a step-therapy-required drug under a health benefit plan and the drug was discontinued by the manufacturer.

A carrier that requires step therapy must have an override process for health care providers.

"Step therapy" is defined as a protocol that requires a covered person to use a prescription drug or sequence of prescription drugs, other than the drug that the covered person's health care provider recommends for the covered person's treatment, before the carrier provides coverage for the recommended drug.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** 10-16-145 as follows:

10-16-145. Step therapy - prohibited - definitions. (1) FOR THE PURPOSES OF THIS SECTION, "STEP THERAPY" MEANS A PROTOCOL THAT REQUIRES A COVERED PERSON TO USE A PRESCRIPTION DRUG OR SEQUENCE OF PRESCRIPTION DRUGS, OTHER THAN THE DRUG THAT THE COVERED PERSON'S HEALTH CARE PROVIDER RECOMMENDS FOR THE COVERED PERSON'S TREATMENT, BEFORE THE CARRIER PROVIDES COVERAGE FOR THE RECOMMENDED PRESCRIPTION DRUG.

(2) A CARRIER SHALL NOT REQUIRE A COVERED PERSON TO UNDERGO STEP THERAPY, AND SHALL PROVIDE COVERAGE FOR THE DRUG PRESCRIBED BY THE COVERED PERSON'S HEALTH CARE PROVIDER AS LONG AS THE PRESCRIBED DRUG IS ON THE CARRIER'S PRESCRIPTION DRUG FORMULARY, WHEN:

(a) THE PATIENT HAS TRIED THE STEP THERAPY-REQUIRED PRESCRIPTION DRUGS WHILE UNDER HIS OR HER CURRENT OR PREVIOUS HEALTH INSURANCE OR HEALTH BENEFIT PLAN, AND SUCH PRESCRIPTION

1 DRUGS WERE DISCONTINUED BY THE PRESCRIBING HEALTH CARE PROVIDER
2 DUE TO LACK OF EFFICACY OR EFFECTIVENESS, DIMINISHED EFFECT, OR AN
3 ADVERSE EVENT. PHARMACY DRUG SAMPLES SHALL NOT BE CONSIDERED
4 TRIAL AND FAILURE OF A PREFERRED PRESCRIPTION DRUG IN LIEU OF
5 TRYING THE STEP THERAPY-REQUIRED PRESCRIPTION DRUG.

6 (3) A CARRIER THAT REQUIRES STEP THERAPY SHALL PROVIDE AN
7 OVERRIDE PROCESS FOR A PRESCRIBED PRESCRIPTION DRUG. A CARRIER
8 MUST EXPEDITIOUSLY GRANT AN OVERRIDE WHEN THE TREATING HEALTH
9 CARE PROVIDER CAN SHOW THAT THE CARRIER'S PREFERRED DRUG IS
10 CONTRAINDICATED OR WILL LIKELY CAUSE AN ADVERSE REACTION. THE
11 TREATING HEALTH CARE PROVIDER MAY USE PEER-REVIEWED DATA OR
12 CLINICAL GUIDELINES OR CLINICAL TRIAL RESULTS AS A PART OF THIS
13 PROCESS.

14 (4) THE HEALTH CARRIER, HEALTH BENEFIT PLAN, OR UTILIZATION
15 REVIEW ORGANIZATION MAY REQUEST RELEVANT DOCUMENTATION FROM
16 THE PATIENT OR PROVIDER TO SUPPORT THE OVERRIDE REQUEST.

17 (5) THIS SECTION IS SUBJECT TO THE INTERNAL AND EXTERNAL
18 APPEALS PROCESSES IN SECTIONS 10-16-113 AND 10-16-113.5.

19 (6) THIS SECTION DOES NOT PRECLUDE A _____ CARRIER FROM
20 REQUIRING PRIOR AUTHORIZATION FOR THE COVERAGE OF A PRESCRIBED
21 DRUG THAT WAS COVERED BY THE COVERED PERSON'S FORMER HEALTH
22 INSURANCE OR HEALTH BENEFIT PLAN; EXCEPT THAT PRIOR
23 AUTHORIZATION MUST NOT INCLUDE A STEP THERAPY REQUIREMENT.

24 _____
25 **SECTION 2. Act subject to petition - effective date.** This act
26 takes effect September 1, 2017; except that, if a referendum petition is
27 filed pursuant to section 1 (3) of article V of the state constitution against

1 this act or an item, section, or part of this act within the ninety-day period
2 after final adjournment of the general assembly, then the act, item,
3 section, or part will not take effect unless approved by the people at the
4 general election to be held in November 2018 and, in such case, will take
5 effect on the date of the official declaration of the vote thereon by the
6 governor.