

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Insurance.

HB22-1370 be amended as follows:

1 Amend printed bill, page 8, strike lines 17 through 26 and substitute:

2        "(b) (I) EXCEPT AS PROVIDED IN SUBSECTION (4)(b)(II) OF THIS  
3 SECTION, A CARRIER, ORGANIZATION, OR PBM SHALL GRANT OR DENY A  
4 STEP THERAPY EXCEPTION REQUEST OR AN APPEAL OF A DENIAL OF A  
5 REQUEST WITHIN:

6                (A) THREE BUSINESS DAYS AFTER RECEIPT OF THE REQUEST; OR  
7                (B) IN CASES WHERE EXIGENT CIRCUMSTANCES EXIST, WITHIN  
8 TWENTY-FOUR HOURS AFTER RECEIPT OF THE REQUEST.

9                (II) IF A REQUEST FOR A STEP THERAPY EXCEPTION OR AN APPEAL  
10 OF A DENIAL OF A REQUEST IS INCOMPLETE OR IF ADDITIONAL CLINICALLY  
11 RELEVANT INFORMATION IS REQUIRED, THE CARRIER, ORGANIZATION, OR  
12 PBM SHALL NOTIFY THE PRESCRIBING PROVIDER WITHIN SEVENTY-TWO  
13 HOURS AFTER SUBMISSION OF THE REQUEST, OR WITHIN TWENTY-FOUR  
14 HOURS AFTER THE SUBMISSION OF THE REQUEST IF EXIGENT  
15 CIRCUMSTANCES EXIST, THAT THE REQUEST OR APPEAL IS INCOMPLETE OR  
16 THAT ADDITIONAL CLINICALLY RELEVANT INFORMATION IS REQUIRED. THE  
17 CARRIER, ORGANIZATION, OR PBM MUST SPECIFY THE ADDITIONAL  
18 INFORMATION THAT IS REQUIRED IN ORDER TO CONSIDER THE STEP  
19 THERAPY EXCEPTION REQUEST OR THE APPEAL OF THE DENIAL OF THE  
20 REQUEST PURSUANT TO THE CRITERIA DESCRIBED IN SUBSECTION (4)(a) OF  
21 THIS SECTION. ONCE THE REQUESTED INFORMATION IS SUBMITTED TO THE  
22 CARRIER, ORGANIZATION, OR PBM, THE APPLICABLE PERIOD TO GRANT OR  
23 DENY A STEP THERAPY EXCEPTION REQUEST OR AN APPEAL OF A DENIAL OF  
24 A REQUEST, AS SPECIFIED IN SUBSECTION (4)(b)(I) OF THIS SECTION,  
25 APPLIES.

26                (III) IF A CARRIER, ORGANIZATION, OR PBM DOES NOT MAKE A  
27 DETERMINATION REGARDING THE STEP THERAPY EXCEPTION REQUEST OR  
28 THE APPEAL OF THE DENIAL OF THE REQUEST OR DOES NOT MAKE A  
29 REQUEST FOR ADDITIONAL OR CLINICALLY RELEVANT INFORMATION  
30 WITHIN THE REQUIRED TIME, THE STEP THERAPY EXCEPTION REQUEST OR  
31 THE APPEAL OF THE DENIAL OF THE REQUEST IS DEEMED GRANTED.".

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