

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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