

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

BILL 6

LLS NO. 18-0257.01 Brita Darling x2241

INTERIM COMMITTEE BILL

**Opioid and Other Substance Use
Disorders Interim Study Committee**

BILL TOPIC: "Substance Use Disorder Payment & Coverage"

A BILL FOR AN ACT

101 **CONCERNING PAYMENT ISSUES RELATED TO SUBSTANCE USE**
102 **DISORDERS.**

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/>.)

Opioid and Other Substance Use Disorders Interim Study Committee. The bill prohibits individual and group health benefit plans from requiring prior authorization for medication-assisted treatment.

The bill requires all individual and group health benefit plans to include in the carrier's prescription drug benefit coverage a transdermal analgesic lidocaine patch for treatment of pain.

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

Additionally, all individual and group health benefit plans that cover physical therapy, acupuncture, or chiropractic services shall not subject those services to dollar limits, deductibles, copayments, or coinsurance provisions that are less favorable than those applicable to primary care services under the plan if the covered person has a diagnosis of chronic pain and has or has had a substance use disorder diagnosis.

The bill prohibits carriers from requiring a covered person to undergo step therapy using a prescription drug or drugs that include an opioid before covering a non-opioid prescription drug recommended by the covered person's provider.

The bill requires the Colorado medical assistance program to authorize reimbursement for the brand-name version of intranasal naloxone hydrochloride, or Narcan, in addition to the generic version of the drug.

The bill prohibits the requirement that a recipient of medical assistance undergo a step-therapy protocol using a prescription drug containing an opioid prior to authorizing reimbursement for a non-opioid prescription drug recommended by the person's health care provider.

The bill prohibits prior authorization under the Colorado medical assistance program for medication-assisted treatment for substance use disorders.

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

2 **SECTION 1.** In Colorado Revised Statutes, 10-16-104, **amend**
3 (5.5)(a)(III); and **add** (5.5)(a)(IV)(C) and (23) as follows:

4 **10-16-104. Mandatory coverage provisions - definitions -**
5 **rules. (5.5) Behavioral, mental health, and substance use disorders**
6 **- rules. (a) (III) (A) EXCEPT AS PROVIDED IN SUBSECTION (5.5)(a)(III)(B)**
7 **OF THIS SECTION, any preauthorization or utilization review mechanism**
8 **used in the determination to provide the coverage required by this**
9 **paragraph (a) SUBSECTION (5.5)(a) must be the same as, or no more**
10 **restrictive than, that used in the determination to provide coverage for a**
11 **physical illness. The commissioner shall adopt rules as necessary to**
12 **implement and administer this subsection (5.5).**

13 **(B) A HEALTH BENEFIT PLAN SUBJECT TO THIS SUBSECTION (5.5)**

1 SHALL NOT REQUIRE PRIOR AUTHORIZATION FOR MEDICATION-ASSISTED
2 TREATMENT.

3 (IV) As used in this subsection (5.5):

4 (C) "MEDICATION-ASSISTED TREATMENT" MEANS A COMBINATION
5 OF BEHAVIORAL THERAPY AND MEDICATIONS APPROVED BY THE FEDERAL
6 FOOD AND DRUG ADMINISTRATION TO TREAT SUBSTANCE USE DISORDERS.

7 (23) **Treatment for pain.** (a) (I) ALL INDIVIDUAL AND GROUP
8 HEALTH BENEFIT PLANS THAT PROVIDE A PRESCRIPTION DRUG BENEFIT
9 SHALL INCLUDE COVERAGE FOR A TRANSDERMAL ANALGESIC LIDOCAINE
10 PATCH FOR THE TREATMENT OF ACUTE OR CHRONIC PAIN.

11 (II) ALL INDIVIDUAL AND GROUP HEALTH BENEFIT PLANS THAT
12 PROVIDE A BENEFIT FOR PHYSICAL THERAPY, ACUPUNCTURE, OR
13 CHIROPRACTIC CARE SHALL NOT SUBJECT THOSE SERVICES TO DOLLAR
14 LIMITS, DEDUCTIBLES, COPAYMENTS, OR COINSURANCE PROVISIONS THAT
15 ARE LESS FAVORABLE TO THE COVERED PERSON THAN THE DOLLAR LIMITS,
16 DEDUCTIBLES, COPAYMENTS, OR COINSURANCE PROVISIONS THAT APPLY
17 TO PRIMARY CARE SERVICES IF THE PHYSICAL THERAPY, ACUPUNCTURE, OR
18 CHIROPRACTIC CARE SERVICES ARE AUTHORIZED FOR TREATMENT OF A
19 COVERED PERSON WHO IS DIAGNOSED WITH CHRONIC PAIN AND WHO HAS
20 OR HAS HAD A SUBSTANCE USE DISORDER DIAGNOSIS.

21 (b) THIS SUBSECTION (23) DOES NOT APPLY TO SUPPLEMENTAL
22 POLICIES COVERING A SPECIFIC DISEASE OR OTHER LIMITED BENEFIT.

23 **SECTION 2.** In Colorado Revised Statutes, 10-16-145, **add** (5)
24 as follows:

25 **10-16-145. Step therapy - limitations - prohibition -**
26 **definitions.** (5) NOTWITHSTANDING SUBSECTION (2) OF THIS SECTION, A
27 CARRIER SHALL NOT REQUIRE A COVERED PERSON TO UNDERGO STEP

1 THERAPY WITH A PRESCRIPTION DRUG OR SEQUENCE OF PRESCRIPTION
2 DRUGS CONTAINING AN OPIOID BEFORE THE CARRIER PROVIDES COVERAGE
3 FOR A NON-OPIOID PRESCRIPTION DRUG RECOMMENDED BY THE COVERED
4 PERSON'S PROVIDER FOR THE COVERED PERSON'S TREATMENT.

5 **SECTION 3.** In Colorado Revised Statutes, **add 25.5-5-509** as
6 follows:

7 **25.5-5-509. Substance use disorder - prescription drugs - step**
8 **therapy prohibited - definition.** (1) NOTWITHSTANDING ANY
9 PROVISIONS OF THIS PART 5 TO THE CONTRARY, FOR THE TREATMENT OF A
10 SUBSTANCE USE DISORDER, IN PROMULGATING RULES, AND SUBJECT TO
11 ANY NECESSARY FEDERAL AUTHORIZATION, THE STATE BOARD:

12 (a) SHALL AUTHORIZE REIMBURSEMENT FOR THE BRAND-NAME
13 INTRANASAL OPIOID ANTAGONIST NALOXONE HYDROCHLORIDE, ALSO
14 KNOWN AS NARCAN, AS WELL AS THE GENERIC VERSION OF THE DRUG;

15 (b) SHALL NOT REQUIRE A MEDICAL ASSISTANCE RECIPIENT TO
16 UNDERGO A STEP-THERAPY PROTOCOL USING A PRESCRIPTION DRUG OR
17 SEQUENCE OF PRESCRIPTION DRUGS CONTAINING AN OPIOID BEFORE
18 AUTHORIZING REIMBURSEMENT FOR A NON-OPIOID PRESCRIPTION DRUG
19 RECOMMENDED BY THE MEDICAL ASSISTANCE RECIPIENT'S HEALTH CARE
20 PROVIDER FOR THAT PERSON'S TREATMENT; AND

21 (c) (I) SHALL NOT REQUIRE PRIOR AUTHORIZATION FOR
22 MEDICATION-ASSISTED TREATMENT.

23 (II) AS USED IN SUBSECTION (1)(c)(I) OF THIS SECTION,
24 "MEDICATION-ASSISTED TREATMENT" MEANS A COMBINATION OF
25 BEHAVIORAL THERAPY AND MEDICATIONS APPROVED BY THE FEDERAL
26 FOOD AND DRUG ADMINISTRATION TO TREAT SUBSTANCE USE DISORDERS.

27 **SECTION 4. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly (August
3 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
4 referendum petition is filed pursuant to section 1 (3) of article V of the
5 state constitution against this act or an item, section, or part of this act
6 within such period, then the act, item, section, or part will not take effect
7 unless approved by the people at the general election to be held in
8 November 2018 and, in such case, will take effect on the date of the
9 official declaration of the vote thereon by the governor.