

SENATE BILL NO. 421

BY SENATOR MURRAY AND REPRESENTATIVES ARMES, ARNOLD, AUSTIN  
BADON, BARROW, BURRELL, CHANDLER, CHANEY, CONNICK,  
CROMER, DIXON, FANNIN, GISCLAIR, GUILLORY, HAZEL,  
HONORE, HUTTER, KATZ, LAFONTA, LEBAS, LORUSSO, MILLS,  
MONToucET, MORENO, NORTON, RICHMOND, GARY SMITH,  
JANE SMITH, PATRICIA SMITH, ST. GERMAIN, THIBAUT AND  
WILLIAMS

1 AN ACT

2 To enact R.S. 22:1052, relative to step therapy or fail first protocols under certain  
3 circumstances; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 22:1052 is hereby enacted to read as follows:

6 **§1052. Requirement for coverage of step therapy or fail first protocols**

7 **A. Notwithstanding the provisions of R.S. 22:1047 to the contrary, any**  
8 **health care coverage plan specified in Subsection D of this Section which is**  
9 **issued for delivery, delivered, renewed, or otherwise contracted for in this state**  
10 **on or after January 1, 2011, shall provide coverage for step therapy or fail first**  
11 **protocols as provided in this Section.**

12 **B. When medications for the treatment of any medical condition are**  
13 **restricted for use by an insurer by a step therapy or fail first protocol, the**  
14 **prescribing physician shall have access to a clear and convenient process to**  
15 **expeditiously request an override of such restriction from the insurer. An**  
16 **override of such restriction shall be expeditiously considered by the insurer**  
17 **under any of the following circumstances:**

18 **(1) The prescribing physician can demonstrate, based on sound clinical**  
19 **evidence, that the preferred treatment required under step therapy or fail first**  
20 **protocol has been ineffective in the treatment of the insured's disease or medical**  
21 **condition.**

22 **(2) The prescribing physician can demonstrate, based on sound clinical**  
23 **evidence, that the preferred treatment required under the step therapy or fail**  
24 **first protocol is expected to be ineffective based on the known relevant physical**

1 or mental characteristics of the insured and known characteristics of the drug  
2 regimen.

3 (3) The prescribing physician can demonstrate, based on sound clinical  
4 evidence, that the preferred treatment required under the step therapy or fail  
5 first protocol will cause or will likely cause an adverse reaction or other physical  
6 harm to the insured.

7 C. The duration of any step therapy or fail first protocol shall not be  
8 longer than the customary period for the medication when such treatment is  
9 deemed clinically ineffective by the prescribing physician. When the prescribing  
10 physician can demonstrate, through sound clinical evidence, that the originally  
11 prescribed medication is likely to require more than the customary period for  
12 such medication to provide any relief or an amelioration to the insured, the step  
13 therapy or fail first protocol may be extended for a period of time to be  
14 determined by the physician.

15 D. As used in this Section, a "health coverage plan" shall mean any  
16 hospital, health, or medical expense insurance policy, hospital or medical  
17 service contract, employee welfare benefit plan, contract or agreement with a  
18 health maintenance organization or a preferred provider organization, health  
19 and accident insurance policy, or any other insurance contract of this type,  
20 including a group insurance plan and the Office of Group Benefits programs.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_