

Chapter 581

(House Bill 887)

AN ACT concerning

Health Insurance – ~~Preauthorization for Drug Products to Treat Substance Use Disorders~~ Prior Authorization for Drug Products to Treat an Opioid Use Disorder – Prohibition

FOR the purpose of prohibiting certain insurers, nonprofit health service plans, and health maintenance organizations from applying a preauthorization requirement for certain drug products under certain circumstances; providing for the application of this Act; ~~providing for a delayed effective date~~ making this Act an emergency measure; and generally relating to health insurance coverage for drug products to treat ~~substance use disorders~~ opioid use disorders.

BY adding to

Article – Insurance

Section 15–850

Annotated Code of Maryland

(2011 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Insurance

15–850.

(A) (1) THIS SECTION APPLIES TO:

(I) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT PROVIDE COVERAGE FOR SUBSTANCE USE DISORDER BENEFITS OR PRESCRIPTION DRUGS UNDER INDIVIDUAL, GROUP, OR BLANKET HEALTH INSURANCE POLICIES OR CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE; AND

(II) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE COVERAGE FOR SUBSTANCE USE DISORDER BENEFITS OR PRESCRIPTION DRUGS UNDER INDIVIDUAL OR GROUP CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.

(2) AN INSURER, A NONPROFIT HEALTH SERVICE PLAN, OR A HEALTH MAINTENANCE ORGANIZATION THAT PROVIDES COVERAGE FOR SUBSTANCE USE DISORDER BENEFITS UNDER THE MEDICAL BENEFIT OR FOR PRESCRIPTION DRUGS

THROUGH A PHARMACY BENEFITS MANAGER IS SUBJECT TO THE REQUIREMENTS OF THIS SECTION.

(B) AN ENTITY SUBJECT TO THIS SECTION MAY NOT APPLY A PRIOR AUTHORIZATION REQUIREMENT FOR A PRESCRIPTION DRUG:

(1) WHEN USED FOR TREATMENT OF AN OPIOID USE DISORDER; AND

(2) THAT CONTAINS METHADONE, BUPRENORPHINE, OR ~~INJECTABLE~~ NALTREXONE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or after ~~January 1, 2018~~ the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect January 1, 2018~~ is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, May 25, 2017.