



# 130th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2022

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Legislative Document

No. 1877

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H.P. 1387

House of Representatives, January 5, 2022

**An Act To Prohibit Prior Authorization Requirements and Step  
Therapy Protocols for Medications Addressing Serious Mental  
Illness for MaineCare Recipients**

(EMERGENCY)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative MADIGAN of Waterville.  
Cosponsored by Senator STEWART of Aroostook and  
Representatives: CONNOR of Lewiston, COREY of Windham, Speaker FECTEAU of  
Biddeford, PERRY of Calais, TEPLER of Topsham, Senators: BREEN of Cumberland,  
CLAXTON of Androscoggin, President JACKSON of Aroostook.

1           **Emergency preamble.** Whereas, acts and resolves of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3           **Whereas,** for residents of the State living with mental illness, life can be a complex  
4 and difficult journey, riddled with significant barriers and obstacles, and for those with  
5 serious mental illness, the right medications enable them to maintain stable, safe and full  
6 lives; and

7           **Whereas,** the State benefits when neighbors and community members living with  
8 serious mental illness are able to access appropriate medical treatment; and

9           **Whereas,** when access to medication is disrupted, individuals living with serious  
10 mental illness may face costly and devastating life consequences, including loss of homes,  
11 jobs and access to children, involuntary commitment, incarceration or loss of life due to  
12 suicide; and

13           **Whereas,** this legislation is needed to immediately remove the requirements for prior  
14 authorization and step therapy for medications used to treat serious mental illness that  
15 create unnecessary and potentially devastating interruptions in patient care and burdensome  
16 bureaucracy for health care providers and that have the unintentional effect of more costly  
17 and catastrophic outcomes; and

18           **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
19 the meaning of the Constitution of Maine and require the following legislation as  
20 immediately necessary for the preservation of the public peace, health and safety; now,  
21 therefore,

22 **Be it enacted by the People of the State of Maine as follows:**

23           **Sec. 1. 22 MRSA §3174-III** is enacted to read:

24 **§3174-III. Treatment of serious mental illness**

25           **1. Definitions.** For purposes of this section, unless the context otherwise indicates, the  
26 following terms have the following meanings.

27           A. "Serious mental illness" means a mental disorder listed in the edition of the  
28 Diagnostic and Statistical Manual of Mental Disorders published by the American  
29 Psychiatric Association that took effect October 1, 2021 that results in serious  
30 functional impairment that substantially interferes with or limits one or more major life  
31 activities.

32           B. "Step therapy protocol" means a protocol that establishes a specific sequence in  
33 which prescription drugs for a specified medical condition are medically necessary for  
34 a particular enrollee and are covered under a pharmacy or medical benefit by a carrier,  
35 including self-administered and physician-administered drugs.

36           **2. Prior authorization or step therapy protocol.** The department may not require  
37 under the MaineCare program prior authorization or a step therapy protocol for prescription  
38 drugs used for the assessment or treatment of serious mental illness.

39           **3. Rules.** The department may adopt rules to implement this section. Rules adopted  
40 pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375,  
41 subchapter 2-A.

