

2015 -- H 5219 SUBSTITUTE A

LC000765/SUB A/2

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

A N A C T

**RELATING TO INSURANCE - ACCESS TO OPIOID ANALGESICS WITH ABUSE-
DETERRENT PROPERTIES**

Introduced By: Representatives Edwards, Corvese, Amore, Shekarchi, and Ajello

Date Introduced: January 29, 2015

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 27 of the General Laws entitled "INSURANCE" is hereby amended
2 by adding thereto the following chapter:

3 CHAPTER 81

4 ACCESS TO OPIOID ANALGESICS WITH ABUSE-DETERRENT PROPERTIES

5 **27-81-1. Findings.** -- The general assembly hereby finds and declares that:

6 (1) The abuse of opioids is a serious problem that affects the health, social and economic
7 welfare of the state.

8 (2) An estimated four million five hundred thousand (4,500,000) people in the United
9 States suffered from substance use disorders related to prescription opioid pain relievers in 2012.

10 (3) The number of unintentional overdose deaths involving prescription pain relievers has
11 more than quadrupled since 1999.

12 (4) It is imperative for people suffering from pain to get the relief they need while
13 minimizing the potential for negative consequences from pain treatment.

14 **21-81-2. Definitions.**-- (a) "Abuse-deterrent opioid analgesic drug product" means a
15 brand or generic opioid analgesic drug product approved by the United States Food and Drug
16 Administration (FDA) with abuse-deterrence labeling claims that indicate the drug product is
17 expected to result in a meaningful reduction in abuse.

18 (b) "Cost sharing" means any coverage limit, copayment, coinsurance, deductible, or

1 other out-of-pocket patient expense requirements.

2 (c) "Healthcare services" means any services included in the furnishing to any individual
3 of medical, podiatric, or dental care, or hospitalization, or incident to the furnishing of that care or
4 hospitalization, and the furnishing to any person of any and all other services for the purpose of
5 preventing, alleviating, curing, or healing human illness, injury, or physical disability.

6 (d) "Health maintenance organization" means a health maintenance organization as
7 defined in chapter 41 of this title.

8 (e) "Insurer" means any person, firm or corporation offering and/or insuring health
9 services on a prepaid basis, including, but not limited to, a nonprofit service corporation, a health
10 maintenance organization, or an entity offering a policy of accident and sickness insurance. It
11 includes all persons, firms, or corporations providing health benefits coverage for employees on a
12 self-insurance basis without the intervention of other entities.

13 (f) "Nonprofit service corporation" means a nonprofit hospital service corporation as
14 defined in chapter 19 of this title or a nonprofit medical service corporation as defined in chapter
15 20 of this title.

16 (g) "Opioid analgesic drug product" means a drug product in the opioid analgesic drug
17 class prescribed to treat moderate to severe pain or other conditions, whether in immediate release
18 or extended release/long-acting form and whether or not combined with other drug substances to
19 form a single drug product or dosage form.

20 (h) "Policy of accident and sickness insurance" means a policy of accident and sickness
21 insurance as defined in chapter 18 of this title.

22 **21-81-3. Coverage. --** (a) Each insurer that issues individual or group accident and
23 sickness insurance policies for health care services or provides health plans for health care
24 services shall provide coverage for abuse-deterrent opioid analgesic drug products and shall abide
25 by the following:

26 (1) Cost sharing for brand name abuse-deterrent opioid analgesic drug products shall not
27 exceed the lowest cost-sharing level applied to brand name non-abuse-deterrent opioid analgesic
28 drug products under the applicable health plan or policy.

29 (2) Cost sharing for generic abuse-deterrent opioid analgesic drug products shall not
30 exceed the lowest cost-sharing level applied to generic non-abuse-deterrent opioid analgesic drug
31 products under the applicable health plan or policy

32 (3) An increase in patient cost sharing or disincentives for prescribers or dispensers shall
33 not be allowed to achieve compliance with this section.

34 **21-81-4. Utilization Management.--** (a) Any prior authorization requirements or other

1 utilization review measures for opioid analgesics, and any service denials made pursuant thereto,
2 shall not require the use of non-abuse-deterrent opioid analgesic drug products in order for the
3 patient to access abuse-deterrent opioid analgesic drug products.

4 (b) This section shall not be construed to prevent an insurer or health plan from applying
5 prior authorization requirements to abuse-deterrent opioid analgesic drug products, provided that
6 such requirements are applied to non-abuse-deterrent versions of that opioid.

7 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would require policies and plans issued by health insurers to cover abuse-
2 deterrent drug formulations of opioid analgesics in the same manner in which the policies and
3 plans cover non-abuse deterrent drugs formations.

4 This act would take effect upon passage.

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