



March 10, 2024

**SUMMARY OF BILL AS AMENDED (015555):** Establishes, for contracts for health insurance coverage entered into, amended, extended, or renewed after July 1, 2021, that if the calculation of an enrollee's contribution to an applicable cost sharing requirement by a health insurance entity would result in health savings account (HSA) ineligibility under federal law, then the requirement for such calculation applies for HSA-qualified high deductible health plans with respect to the deductible of such a plan only after the enrollee has satisfied the minimum deductible, except for items or services that are preventive care. Specifies this does not apply to a prescription drug for which there is a generic alternative or an interchangeable biological product, unless the enrollee has obtained access to the brand name prescription drug through prior authorization, a step therapy protocol, the health insurance entity's exceptions and appeals process, or the determination of a prescriber.

Prohibits an health insurance entity, pharmacy benefits manager, or third-party administrator from setting, altering, implementing, or conditioning the terms of health insurance coverage based on information about the availability or amount of financial or product assistance available for a prescription drug.

Establishes that prior to entering into an agreement with a patient for the purpose of obtaining financial or product assistance from a patient assistance program administered by a pharmaceutical manufacturer, charitable organization, or governmental entity to assist in the payment or procurement of prescription drugs for a patient, a health insurance entity, pharmacy benefits manager, or third-party administrator must disclose certain information in writing to the patient.

Effective upon becoming a law, and applies only to health plans entered into, amended, extended, or renewed on or after January 1, 2025.

**FISCAL IMPACT OF BILL AS AMENDED:**

**NOT SIGNIFICANT**

Assumptions for the bill as amended:

- Based on information provided by the Department of Finance and Administration, Division of Benefits Administration, the proposed legislation will not have a significant impact on the State Group Insurance Program.

- The Department of Commerce and Insurance can monitor insurers, pharmacy benefit managers, and third-party administrators for compliance utilizing existing resources; therefore, any fiscal impact is estimated to be not significant.

**IMPACT TO COMMERCE OF BILL AS AMENDED:**

**NOT SIGNIFICANT**

Assumption:

- Any impact to commerce or jobs in Tennessee will not be significant.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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