

HB 1280-FN - AS AMENDED BY THE HOUSE

11Mar2020... 0105h

2020 SESSION

20-2032

01/03

HOUSE BILL ***1280-FN***

AN ACT relative to copayments for insulin.

SPONSORS: Rep. Muscatel, Graf. 12; Rep. Levesque, Straf. 4; Rep. Stevens, Hills. 34; Rep. Grassie, Straf. 11; Rep. Merchant, Sull. 4; Rep. Buchanan, Merr. 15; Rep. Riel, Hills. 6; Rep. St. John, Hills. 27; Rep. Marsh, Carr. 8; Rep. Ebel, Merr. 5; Sen. Ward, Dist 8; Sen. Feltes, Dist 15; Sen. Rosenwald, Dist 13; Sen. Hennessey, Dist 5

COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

This bill requires insurers to cap the total amount for insulin for covered persons.

Explanation: Matter added to current law appears in ***bold italics***.Matter removed from current law appears ~~[in brackets and struck through.]~~

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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01/03

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty

AN ACT relative to copayments for insulin.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Accident and Health Insurance; Coverage for Diabetes Services and Supplies; Individual. Amend RSA 415:6-e to read as follows:

415:6-e Coverage for Diabetes Services and Supplies. Each insurer that issues or renews any individual policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses, shall provide to certificate holders of such insurance, who are residents of this state, coverage for medically appropriate and necessary outpatient self-management training and educational services, pursuant to a written order of a primary care physician or practitioner, including but not limited to medical nutrition therapy for the treatment of diabetes, provided by a certified, registered, or licensed health care professional with expertise in diabetes, subject to the terms and conditions of the policy. Each insurer that issues or renews any individual policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses which provides a prescription rider shall cover medically appropriate or necessary insulin, oral agents, and equipment used to treat diabetes subject to the terms and conditions of the policy. ***An insurer that provides coverage for prescription insulin drugs shall cap the total amount that a covered person is required to pay for covered prescription insulin drugs at an amount not to exceed \$100 for a 30-day supply of insulin drugs, regardless of the amount,***

type, or number of insulins needed. Coverage for prescription insulin drugs shall not be subject to any deductible. Each insurer that issues or renews any individual policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses which provides for durable medical equipment coverage shall provide coverage for medically appropriate or necessary equipment used to treat diabetes subject to the terms and conditions of the policy.

2 Accident and Health Insurance; Coverage for Diabetes Services and Supplies; Group. Amend RSA 415:18-f to read as follows:

415:18-f Coverage for Diabetes Services and Supplies. Each insurer that issues or renews any policy, plan, or contract of group accident or health insurance providing benefits for medical or hospital expenses, shall provide each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for medically appropriate and necessary outpatient self-management training and educational services, pursuant to a written order of a primary care physician or practitioner, including but not limited to medical nutrition therapy for the treatment of diabetes, provided by a certified, registered, or licensed health care professional with expertise in diabetes, subject to the terms and conditions of the policy. Each insurer that issues or renews any group policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses which provides a prescription rider shall cover medically appropriate or necessary insulin, oral agents, and equipment used to treat diabetes subject to the terms and conditions of the policy. ***An insurer that provides coverage for prescription insulin drugs shall cap the total amount that a covered person is required to pay for covered prescription insulin drugs at an amount not to exceed \$100 for a 30-day supply of insulin drugs, regardless of the amount, type, or number of insulins needed. Coverage for prescription insulin drugs shall not be subject to any deductible.*** Each insurer that issues or renews any group policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses which provides for durable medical equipment coverage shall provide coverage for medically appropriate or necessary equipment used to treat diabetes subject to the terms and conditions of the policy.

3 Health Service Corporations; Coverage for Diabetes Services and Supplies. Amend RSA 420-A:17-a to read as follows:

420-A:17-a Coverage for Diabetes Services and Supplies. Every health service corporation and every similar corporation licensed under the laws of another state that issues or renews any policy, plan, or contract of individual or group accident or health insurance providing benefits for medical or hospital expenses, shall provide to each individual or group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for the medically appropriate and necessary outpatient self-management training and educational services, pursuant to a written order of a primary care physician or practitioner, including but not limited to medical nutrition therapy for the treatment of diabetes, provided by a certified, registered, or licensed health care professional with expertise in diabetes, subject to the terms and conditions of the policy. Each health service corporation that issues or renews any individual or group policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses which provides a prescription rider shall cover medically appropriate or necessary insulin, oral agents, and equipment used to treat diabetes subject to the terms and conditions of the policy. ***Each health service corporation that provides coverage for prescription insulin drugs shall cap the total amount that a covered person is required to pay for covered prescription insulin drugs at an amount not to exceed \$100 for a 30-day supply of insulin drugs, regardless of the amount, type, or number of insulins needed. Coverage for prescription insulin drugs shall not be subject to any deductible.*** Each health service corporation that issues or renews any individual or group policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses which provides for durable medical equipment coverage shall provide coverage for medically appropriate or necessary equipment used to treat diabetes subject to the terms and conditions of the policy.

4 Health Maintenance Organizations; Coverage for Diabetes Services and Supplies. Amend RSA 420-B:8-k to read as follows:

420-B:8-k Coverage for Diabetes Services and Supplies. Every health maintenance organization and every similar corporation licensed under the laws of another state that issues or renews any policy, plan, or contract of individual or group health insurance providing benefits for medical or hospital expenses, shall provide to each individual or group, or to the portion of each group comprised

of certificate holders of such insurance who are residents of this state, coverage for the medically appropriate and necessary outpatient self-management training and educational services, pursuant to a written order of a primary care physician or practitioner, including but not limited to medical nutrition therapy for the treatment of diabetes, provided by a certified, registered, or licensed health care professional with expertise in diabetes, subject to the terms and conditions of the policy. Each health maintenance organization that issues or renews any individual or group policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses which provides a prescription rider shall cover medically appropriate or necessary insulin, oral agents, and equipment used to treat diabetes subject to the terms and conditions of the policy. ***Each health maintenance organization that provides coverage for prescription insulin drugs shall cap the total amount that a covered person is required to pay for covered prescription insulin drugs at an amount not to exceed \$100 for a 30-day supply of insulin drugs, regardless of the amount, type, or number of insulins needed. Coverage for prescription insulin drugs shall not be subject to any deductible.*** Each health maintenance organization that issues or renews any individual or group policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses which provides for durable medical equipment coverage shall provide coverage for medically appropriate or necessary equipment used to treat diabetes subject to the terms and conditions of the policy.

5 Effective Date. This act shall take effect 60 days after its passage.

LBAO
20-2032
Amended 3/20/20

HB 1280-FN- FISCAL NOTE

AS AMENDED BY THE HOUSE (AMENDMENT #2020-0105h)

AN ACT relative to copayments for insulin.

FISCAL IMPACT: ☒ State ☒ County ☒ Local ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Expenditures	\$0	\$0	\$0	\$0
Funding Source:	☒ General ☐ Education ☐ Highway ☐ Other			

COUNTY:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

LOCAL:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

This bill requires insurers to cap the total amount paid for prescription insulin for covered persons and provides that prescription insulin drugs not be subject to any deductible. The Insurance Department indicates the bill mandates limits on out of pocket expenditures for prescription insulin. The Department assumes this would not be considered a coverage mandate under federal law. If it were considered a coverage mandate, the State would be responsible for the cost of the mandate for all policies sold on the health insurance exchange. The Department assumes limiting the out of pocket cost may result in inflationary pressure on claim costs which would lead to increased premiums and premium tax revenue collected by the State.

The Department of Health and Human Services indicates this bill would not apply to the Medicaid program and there would be no fiscal impact on the Department. The current copay for Medicaid beneficiaries is \$1, well below the \$100 provided for in the bill.

The Department of Administrative Services indicate the State Health Benefit Plan for Employees and Retirees is a governmental self-insured plan and is not governed by managed care law. There would be no fiscal impact to the State Health Plan.

AGENCIES CONTACTED:

Departments of Insurance, Health and Human Services and Administrative Services