

2024 -- H 7518

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO INSURANCE -- PRESCRIPTION DRUG BENEFITS

Introduced By: Representatives Morales, Batista, Donovan, Giraldo, Casimiro, Henries,
McEntee, Fogarty, Kislak, and Azzinaro

Date Introduced: February 07, 2024

Referred To: House Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 27-20.8 of the General Laws entitled "Prescription Drug Benefits" is
2 hereby amended by adding thereto the following section:

3 **27-20.8-5. Co-pay cap for prescription inhaler, devices, and equipment.**

4 (a) As used in this section, unless the context otherwise requires, "prescription inhaler"
5 means an inhaled medication for the treatment or prevention of an FDA approved respiratory
6 condition, and includes pressured metered dose inhalers (pMDI), dry powdered inhalers (DPI), soft
7 mist inhalers (SMI), and devices or equipment used to administer medications, such as nebulizers
8 and holding chambers. "Prescription inhaler" does not include inhalers available over-the-counter
9 without a prescription to provide temporary relief.

10 (b) A health plan that provides coverage for prescription inhalers and devices or equipment
11 used to administer such medications, pursuant to the terms of a health coverage plan the health plan
12 offers, shall cap the total amount that a covered person is required to pay for a covered prescription
13 inhaler, device or equipment used to administer such medications, at an amount not to exceed
14 twenty-five dollars (\$25.00), per thirty (30) day supply. Coverage for prescription inhalers, device
15 or equipment used to administer such medications, shall not be subject to any deductible.

16 (c) Nothing in this section prevents a health plan from reducing a covered person's cost
17 sharing to an amount less than the amount specified in subsection (b) of this section.

18 (d) Prior authorization policies may only be used to confirm the presence of diagnoses or
19 other medical criteria and/or ensure that an item or service is medically necessary.

1 (e) The office of the health insurance commissioner may use any of its enforcement powers
2 to obtain a health plan's compliance with this section.

3 (f) The office of the health insurance commissioner may promulgate rules and regulations
4 as necessary to implement and administer this section and to align with federal requirements.

5 SECTION 2. This act shall take effect on January 1, 2025.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO INSURANCE -- PRESCRIPTION DRUG BENEFITS

- 1 This act would cap the total amount that a covered person is required to pay for a covered
2 prescription inhaler, device, or equipment to twenty-five dollars (\$25.00) per thirty (30) day supply.
3 This act would take effect on January 1, 2025.

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