2019	
2017	

1	S.43
2	Introduced by Senators Lyons, Cummings, Ingram, McCormack, and
3	Westman
4	Referred to Committee on
5	Date:
6	Subject: Health; health insurance; substance use disorder; medication-assisted
7	treatment; prior authorization
8	Statement of purpose of bill as introduced: This bill proposes to prohibit
9	health insurance plans and Medicaid from imposing prior authorization
10	requirements for medication-assisted treatment.
11 12	An act relating to prohibiting prior authorization requirements for medication-assisted treatment
13	It is hereby enacted by the General Assembly of the State of Vermont:
14	Sec. 1. 8 V.S.A. § 4089b is amended to read:
15	§ 4089b. HEALTH INSURANCE COVERAGE, MENTAL HEALTH, AND
16	SUBSTANCE ABUSE USE DISORDER
17	* * *
18	(c) A health insurance plan shall provide coverage for treatment of a mental
19	condition and shall:

1	(1) not establish any rate, term, or condition that places a greater burden
2	on an insured for access to treatment for a mental condition than for access to
3	treatment for other health conditions, including no greater co-payment for
4	primary mental health care or services than the co-payment applicable to care
5	or services provided by a primary care provider under an insured's policy and
6	no greater co-payment for specialty mental health care or services than the co-
7	payment applicable to care or services provided by a specialist provider under
8	an insured's policy;
9	(2) not exclude from its network or list of authorized providers any
10	licensed mental health or substance abuse provider located within the
11	geographic coverage area of the health benefit plan if the provider is willing to
12	meet the terms and conditions for participation established by the health
13	insurer; and
14	(3) make any deductible or out-of-pocket limits required under a health
15	insurance plan comprehensive for coverage of both mental and physical health
16	conditions; and
17	(4) place medications approved by the U.S. Food and Drug
18	Administration for the treatment of substance use disorder on the lowest cost-

sharing tier of the plan's prescription drug formulary.

* * *

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shall take effect on July 1, 2019.

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1	Sec. 2. 18 V.S.A. § 4750 is amended to read:
2	§ 4750. DEFINITION DEFINITIONS
3	As used in this chapter, "medication assisted treatment":
4	(1) "Health insurance plan" has the same meaning as in 8 V.S.A.
5	<u>§ 4089b.</u>
6	(2) "Medication-assisted treatment" means the use of U.S. Federal Food
7	and Drug Administration-approved medications, in combination with
8	counseling and behavioral therapies, to provide a whole patient approach to the
9	treatment of substance use disorders.
10	Sec. 3. 18 V.S.A. § 4754 is added to read:
11	§ 4754. PROHIBITION ON PRIOR AUTHORIZATION
12	A health insurance plan shall not require prior authorization for medication-
13	assisted treatment.
14	Sec. 4. 33 V.S.A. § 1999 is amended to read:
15	§ 1999. CONSUMER PROTECTION RULES; PRIOR AUTHORIZATION
16	* * *
17	(g) The Program shall not require prior authorization for medication-
18	assisted treatment as defined in 18 V.S.A. § 4750.
19	Sec. 5. EFFECTIVE DATES
20	(a) This section and Secs. 2 (18 V.S.A. § 4750) and 4 (33 V.S.A. § 1999)

1	(b) Secs. 1 (8 V.S.A. § 4089b) and 3 (18 V.S.A. § 4754) shall take effect
2	on October 1, 2019 and shall apply to health insurance plans on or after
3	October 1, 2019 on such date as a health insurer issues, offers, or renews the
4	health insurance plan, but in no event later than October 1, 2020.