1	H.120
2	Introduced by Representative Pugh of South Burlington
3	Referred to Committee on
4	Date:
5	Subject: Health; health insurance; substance use disorder; medication-assisted
6	treatment; prior authorization
7	Statement of purpose of bill as introduced: This bill proposes to prohibit
8	health insurance plans and Medicaid from imposing prior authorization
9	requirements for medication-assisted treatment.
10 11	An act relating to prohibiting prior authorization requirements for medication-assisted treatment
12	It is hereby enacted by the General Assembly of the State of Vermont:
13	Sec. 1. 8 V.S.A. § 4089b is amended to read:
14	§ 4089b. HEALTH INSURANCE COVERAGE, MENTAL HEALTH, AND
15	SUBSTANCE ABUSE USE DISORDER
16	* * *
17	(c) A health insurance plan shall provide coverage for treatment of a mental
18	condition and shall:
19	(1) not establish any rate, term, or condition that places a greater burden
20	on an insured for access to treatment for a mental condition than for access to

1	treatment for other health conditions, including no greater co-payment for
2	primary mental health care or services than the co-payment applicable to care
3	or services provided by a primary care provider under an insured's policy and
4	no greater co-payment for specialty mental health care or services than the co-
5	payment applicable to care or services provided by a specialist provider under
6	an insured's policy;
7	(2) not exclude from its network or list of authorized providers any
8	licensed mental health or substance abuse provider located within the
9	geographic coverage area of the health benefit plan if the provider is willing to
10	meet the terms and conditions for participation established by the health
11	insurer; and
12	(3) make any deductible or out-of-pocket limits required under a health
13	insurance plan comprehensive for coverage of both mental and physical health
14	conditions; and
15	(4) place medications approved by the U.S. Food and Drug
16	Administration for the treatment of substance use disorder on the lowest cost-
17	sharing tier of the plan's prescription drug formulary.
18	* * *
19	Sec. 2. 18 V.S.A. § 4750 is amended to read:
20	§ 4750. DEFINITION <u>DEFINITIONS</u>
21	As used in this chapter, "medication assisted treatment":

1	(1) "Health insurance plan" has the same meaning as in 8 V.S.A.
2	<u>§ 4089b.</u>
3	(2) "Medication-assisted treatment" means the use of U.S. Federal Food
4	and Drug Administration-approved medications, in combination with
5	counseling and behavioral therapies, to provide a whole patient approach to the
6	treatment of substance use disorders.
7	Sec. 3. 18 V.S.A. § 4754 is added to read:
8	§ 4754. PROHIBITION ON PRIOR AUTHORIZATION
9	A health insurance plan shall not require prior authorization for medication-
10	assisted treatment.
11	Sec. 4. 33 V.S.A. § 1999 is amended to read:
12	§ 1999. CONSUMER PROTECTION RULES; PRIOR AUTHORIZATION
13	* * *
14	(g) The Program shall not require prior authorization for medication-
15	assisted treatment as defined in 18 V.S.A. § 4750.
16	Sec. 5. EFFECTIVE DATES
17	(a) This section and Secs. 2 (18 V.S.A. § 4750) and 4 (33 V.S.A. § 1999)
18	shall take effect on July 1, 2019.
19	(b) Secs. 1 (8 V.S.A. § 4089b) and 3 (18 V.S.A. § 4754) shall take effect
20	on October 1, 2019 and shall apply to health insurance plans on or after

- October 1, 2019 on such date as a health insurer issues, offers, or renews the
- 2 <u>health insurance plan, but in no event later than October 1, 2020.</u>