

By: Martinez Fischer

H.B. No. 4402

A BILL TO BE ENTITLED

AN ACT

relating to insurance coverage of prescription drugs provided under a health benefit plan.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 1369, Insurance Code, is amended by adding Section 1369.0041 to read as follows:

Sec. 1369.0041. CHANGES IN PRESCRIPTION DRUG COVERAGE. (a) In this section, "drug formulary," "enrollee," and "prescription drug" have the meanings assigned by Section 1369.051.

(b) Except as provided by Subsection (d), an issuer of a health benefit plan that covers prescription drugs may not limit, reduce, or deny coverage to an enrollee for a prescription drug if, at the time the limitation, reduction, or denial of coverage would otherwise take place, the enrollee is using the prescription drug and is entitled to coverage under the plan for the drug.

(c) For the purposes of this section, a limitation, reduction, or denial of coverage includes:

(1) the removal of a prescription drug from a drug formulary;

(2) the imposition of a new prior authorization or other use-management requirement;

(3) the placement of the drug on a formulary tier that increases the patient's cost-sharing obligation for the drug; or

(4) an increase by any other method of the patient's

1 cost-sharing obligation for the drug.

2 (d) This section does not prohibit a health benefit plan
3 issuer from:

4 (1) making a uniform change in a plan's benefit design
5 that applies to all covered prescription drugs; or

6 (2) increasing cost-sharing obligations for a
7 prescription drug as a result of a percentage-based coinsurance
8 payment the dollar amount of which increases as a result of an
9 increase in the underlying price of the drug.

10 SECTION 2. The change in law made by this Act applies only
11 to a health benefit plan delivered, issued for delivery, or renewed
12 on or after January 1, 2010. A health benefit plan delivered,
13 issued for delivery, or renewed before January 1, 2010, is governed
14 by the law in effect immediately before the effective date of this
15 Act, and that law is continued in effect for that purpose.

16 SECTION 3. This Act takes effect September 1, 2009.