

By: Rodriguez of Travis

H.B. No. 3864

A BILL TO BE ENTITLED

AN ACT

relating to health benefit plan coverage for abuse-deterrent opioid analgesic drugs.

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

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

SUBCHAPTER J. COVERAGE FOR ABUSE-DETERRENT OPIOID ANALGESIC DRUGS

Sec. 1369.451. DEFINITIONS. In this subchapter:

(1) "Abuse-deterrent opioid analgesic drug" means an opioid analgesic drug that the United States Food and Drug Administration has approved and for which the United States Food and Drug Administration has approved abuse-deterrence labeling that indicates the drug is expected to result in a meaningful reduction in abuse.

(2) "Opioid analgesic drug" means a drug in the opioid analgesic drug class that:

(A) is prescribed to treat moderate to severe pain or other conditions; and

(B) may be:

(i) in an immediate-release or extended-release form of the drug;

(ii) a single component drug; or

(iii) in combination with another drug.

Sec. 1369.452. APPLICABILITY OF SUBCHAPTER. (a) This

1 subchapter applies only to a health benefit plan that provides
2 benefits for medical or surgical expenses incurred as a result of a
3 health condition, accident, or sickness, including an individual,
4 group, blanket, or franchise insurance policy or insurance
5 agreement, a group hospital service contract, or an individual or
6 group evidence of coverage or similar coverage document that is
7 offered by:

8 (1) an insurance company;

9 (2) a group hospital service corporation operating
10 under Chapter 842;

11 (3) a fraternal benefit society operating under
12 Chapter 885;

13 (4) a stipulated premium company operating under
14 Chapter 884;

15 (5) a reciprocal exchange operating under Chapter 942;

16 (6) a health maintenance organization operating under
17 Chapter 843;

18 (7) a multiple employer welfare arrangement that holds
19 a certificate of authority under Chapter 846; or

20 (8) an approved nonprofit health corporation that
21 holds a certificate of authority under Chapter 844.

22 (b) Notwithstanding Section 1501.251 or any other law, this
23 subchapter applies to a small employer health benefit plan subject
24 to Chapter 1501.

25 (c) Notwithstanding any other law, a standard health
26 benefit plan provided under Chapter 1507 must provide the coverage
27 required by this subchapter.

1 Sec. 1369.453. EXCEPTIONS. (a) This subchapter does not
2 apply to:

3 (1) a health benefit plan that provides coverage only:

4 (A) for a specified disease or for another
5 limited benefit other than for cancer;

6 (B) for accidental death or dismemberment;

7 (C) for wages or payments in lieu of wages for a
8 period during which an employee is absent from work because of
9 sickness or injury;

10 (D) as a supplement to a liability insurance
11 policy;

12 (E) for credit insurance;

13 (F) for dental or vision care; or

14 (G) for indemnity for hospital confinement;

15 (2) a Medicare supplemental policy as defined by
16 Section 1882(g)(1), Social Security Act (42 U.S.C. Section 1395ss);

17 (3) a workers' compensation insurance policy;

18 (4) medical payment insurance coverage provided under
19 a motor vehicle insurance policy; or

20 (5) a long-term care insurance policy, including a
21 nursing home fixed indemnity policy, unless the commissioner
22 determines that the policy provides benefit coverage so
23 comprehensive that the policy is a health benefit plan as described
24 by Section 1369.452.

25 (b) This subchapter does not apply to:

26 (1) the Medicaid managed care program operated under
27 Chapter 533, Government Code;

1 (2) the Medicaid program operated under Chapter 32,
2 Human Resources Code; or

3 (3) the child health plan program operated under
4 Chapter 62, Health and Safety Code.

5 Sec. 1369.454. REQUIRED COVERAGE FOR ABUSE-DETERRENT
6 OPIOID ANALGESIC DRUGS. (a) A health benefit plan must provide
7 coverage for abuse-deterrent opioid analgesic drugs.

8 (b) A health benefit plan issuer may not reduce or limit a
9 payment to a health care professional, or otherwise penalize the
10 professional, because the professional prescribes or dispenses an
11 abuse-deterrent opioid analgesic drug.

12 Sec. 1369.455. PRIOR AUTHORIZATION. (a) A health benefit
13 plan may require prior authorization for an abuse-deterrent opioid
14 analgesic drug in the same manner that the health benefit plan
15 requires prior authorization for an opioid analgesic drug that does
16 not have abuse-deterrent properties.

17 (b) A health benefit plan may not require an enrollee to use
18 an opioid analgesic drug that does not have abuse-deterrent
19 properties before prior authorization for an abuse-deterrent
20 opioid analgesic drug may be given.

21 SECTION 2. Subchapter J, Chapter 1369, Insurance Code, as
22 added by this Act, applies only to a health benefit plan that is
23 delivered, issued for delivery, or renewed on or after January 1,
24 2018. A health benefit plan that is delivered, issued for delivery,
25 or renewed before January 1, 2018, is covered by the law as it
26 existed immediately before the effective date of this Act, and that
27 law is continued in effect for that purpose.

1 SECTION 3. This Act takes effect September 1, 2017.