

HOUSE BILL No. 2364

By Committee on Health and Human Services

Requested by Dan Murray, on behalf of the American Chronic Pain Association

2-7

1 AN ACT concerning health insurance; relating to coverage for nonopioid
2 prescription drugs for the treatment of pain; prohibiting certain health
3 insurers from requiring cost-sharing for nonopioid prescription drugs or
4 providing less favorable coverage for such drug than that for opioid or
5 narcotic prescription drugs.
6

7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. (a) As used in this section:

9 (1) "Health insurer" means the medicaid program as defined in
10 K.S.A. 75-7427, and amendments thereto, the state children's health
11 insurance program as provided in K.S.A. 38-2001 et seq., and amendments
12 thereto, and the state employee health benefits plan as established by
13 K.S.A. 75-37,162, and amendments thereto, including any managed care
14 organization for any such program or plan.

15 (2) "Prescriber" means the same as defined in K.S.A. 65-1626, and
16 amendments thereto.

17 (b) Notwithstanding any provision of law to the contrary, when a
18 prescriber prescribes a nonopioid medication for the treatment of acute
19 pain, a health insurer shall not:

20 (1) Deny coverage of the nonopioid prescription drug in favor of an
21 opioid prescription drug; or

22 (2) require the patient to try an opioid prescription drug prior to
23 providing coverage of the nonopioid prescription drug.

24 (c) In establishing and maintaining its drug formulary, a health
25 insurer shall ensure that no nonopioid drug approved by the United States
26 food and drug administration for the treatment or management of pain
27 shall be disadvantaged or discouraged, with respect to coverage or cost
28 sharing, relative to any opioid or narcotic drug for the treatment or
29 management of pain on the health insurance issuer's drug formulary.
30 Impermissible disadvantaging or discouragement includes, but is not
31 limited to:

32 (1) Imposing more restrictive coverage criteria on any such nonopioid
33 drug than the least restrictive coverage criteria imposed on an opioid or
34 narcotic drug;

35 (2) establishing more restrictive or more extensive utilization

1 controls, including, but not limited to, more restrictive or more extensive
2 prior authorization or step therapy requirements for such nonopioid drug
3 than the least restrictive or extensive utilization controls applicable to any
4 such opioid or narcotic drug; or

5 (3) if the health insurance issuer maintains a drug formulary grouped
6 into tiers for the purposes of determining cost-sharing, placing any such
7 nonopioid drug on a tier that requires a cost-sharing responsibility
8 exceeding the lowest cost-sharing responsibility required for any opioid or
9 narcotic drug on the drug formulary.

10 (d) This subsection shall not preclude opioid drugs from being
11 preferred over other opioid drugs or nonopioid drugs from being preferred
12 over other nonopioid drugs.

13 Sec. 2. This act shall take effect and be in force from and after its
14 publication in the statute book.