

House Bill 2668

Sponsored by Representative SCHOUTEN; Representatives HERNANDEZ, KENY-GUYER, SANCHEZ (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits imposition of step therapy protocol for prescription drug prescribed to treat stage four advanced metastatic cancer if drug meets specified criteria.

A BILL FOR AN ACT

1
2 Relating to step therapy protocols; creating new provisions; and amending ORS 743B.602.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 743B.602 is amended to read:

5 743B.602. (1) As used in this section:

6 (a) "Health care coverage plan" includes:

7 (A) A health benefit plan, as defined in ORS 743B.005;

8 (B) An insurance policy or certificate covering the cost of prescription drugs, hospital expenses,
9 health care services and medical expenses, equipment and supplies;

10 (C) A medical services contract, as defined in ORS 743B.001;

11 (D) A multiple employer welfare arrangement, as defined in ORS 750.301;

12 (E) A contract or agreement with a health care service contractor, as defined in ORS 750.005,
13 or a preferred provider organization;

14 (F) A pharmacy benefit manager, as defined in ORS 735.530, or other third party administrator
15 that pays prescription drug claims; and

16 (G) An accident insurance policy or any other insurance contract providing reimbursement for
17 the cost of prescription drugs, hospital expenses, health care services and medical expenses, equip-
18 ment and supplies.

19 (b) "Step therapy" means a drug protocol in which a health care coverage plan will reimburse
20 the cost of a prescribed drug only if the patient has first tried a specified drug or series of drugs.

21 (2) A health care coverage plan that requires step therapy shall make easily accessible to pre-
22 scribing practitioners, clear explanations of:

23 (a) The clinical criteria for each step therapy protocol;

24 (b) The procedure by which a practitioner may submit to the plan the practitioner's medical
25 rationale for determining that a particular step therapy protocol is not appropriate for a particular
26 patient based on the patient's medical condition and history; and

27 (c) The documentation, if any, that a practitioner must submit to the plan for the plan to de-
28 termine the appropriateness of step therapy for a specific patient.

29 **(3) A health care coverage plan may not impose a step therapy protocol for a drug pre-**
30 **scribed for a patient enrolled in the plan if:**

31 **(a) The drug is prescribed to treat stage four advanced metastatic cancer; and**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

- 1 **(b) Use of the drug to treat stage four advanced metastatic cancer is:**
2 **(A) An indication approved by the United States Food and Drug Administration or the**
3 **National Comprehensive Cancer Network Drugs & Biologics Compendium; and**
4 **(B) Supported by peer-reviewed medical literature.**

5 **SECTION 2. The amendments to ORS 743B.602 by section 1 of this 2019 Act apply to**
6 **policies or certificates for health care coverage plans, as defined in ORS 743B.602, that are**
7 **issued, renewed or extended on or after the effective date of this 2019 Act.**

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