

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 1757

By: Martin (Scott)

4  
5 AS INTRODUCED

6 An Act relating to insurance; prohibiting certain  
7 health benefit plans from limiting, reducing or  
8 denying prescription drug coverage under specific  
9 circumstances; stating circumstances; providing  
10 circumstances constituting a limitation, reduction or  
denial of coverage; allowing insurer to make certain  
changes in benefit design; defining term; providing  
for codification; and providing an effective date.

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13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 3634.5 of Title 36, unless there  
16 is created a duplication in numbering, reads as follows:

17 A. A health benefit plan providing prescription drugs as a  
18 covered benefit shall not limit, reduce or deny coverage for any  
19 prescription drug if prior to the limitation, reduction or denial of  
20 coverage the following conditions were met:

- 21 1. The insured was using the prescription drug;  
22 2. The insured was covered under the health benefit plan; and  
23 3. The prescription drug was covered under the health benefit  
24 plan.

1 B. 1. For purposes of this section, a limitation, reduction or  
2 denial of coverage includes, but is not limited to, removing a  
3 prescription drug from the formulary or other drug list, imposing  
4 new prior authorization or other utilization management tools, or  
5 placing the prescription drug on a formulary tier that increases the  
6 cost-sharing obligations of the insured.

7 2. Nothing in this subsection shall prohibit an insurer from  
8 making uniform changes in its benefit design that apply to all  
9 covered prescription drugs, or from increasing cost-sharing  
10 obligations that are the result of a percentage coinsurance payment  
11 that necessarily increases with an increase in the underlying  
12 prescription drug prices.

13 C. As used in this section, "health benefit plan" means an  
14 accident and health insurance policy as defined in Section 3634.4 of  
15 Title 36 of the Oklahoma Statutes.

16 SECTION 2. This act shall become effective November 1, 2009.

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18 52-1-6098 MMP 01/04/09  
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