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**INSURANCE AND FINANCIAL SERVICES**

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**STATE OF MAINE**

**SENATE**

**128TH LEGISLATURE**

**SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 339, L.D. 1032, Bill, “An Act To Ensure Protection and Health Insurance of Patients”

Amend the bill by striking out the title and substituting the following:

**'An Act To Ensure Protection of Patients'**

Amend the bill by striking out everything after the enacting clause and inserting the following:

**'Sec. 1. 24-A MRSA §4304, sub-§2-A** is enacted to read:

**2-A. Electronic transmission of prior authorization requests.** Beginning no later than January 1, 2019, if a health plan provides coverage for prescription drugs, the carrier must accept and respond to a request by a provider for prior authorization for prescription drugs in accordance with subsection 2 through a secure electronic transmission using standards adopted by a national council for prescription drug programs for electronic prescribing transactions. Beginning no later than July 1, 2019, a carrier must accept and respond to a request by a provider for prior authorization for medical services in accordance with subsection 2 through a secure electronic transmission using standards for prior authorization under the federal Health Insurance Portability and Accountability Act of 1996, Public Law 104-191. For the purposes of this subsection, transmission of a facsimile or by use of an electronic form is not considered electronic transmission.

**Sec. 2. 24-A MRSA §4311, sub-§1,** as enacted by PL 1999, c. 742, §19 and affected by §21, is amended to read:

**1. Formulary.** If a health plan provides coverage for prescription drugs but the coverage limits such benefits to drugs included in a formulary, a carrier shall:

- A. Ensure participation of participating physicians and pharmacists in the development of the formulary; ~~and~~
- B. Provide exceptions to the formulary limitation when a nonformulary alternative is medically indicated, consistent with the utilization review standards in section 4304; ~~and~~

**COMMITTEE AMENDMENT**

