

HOUSE BILL NO. 5721

April 24, 2020, Introduced by Rep. Sheppard and referred to the Committee on Government Operations.

A bill to amend 1956 PA 218, entitled
"The insurance code of 1956,"
by amending section 3406o (MCL 500.3406o), as amended by 2016 PA
276, and by adding section 3406v.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 3406o. (1) An insurer that delivers, issues for delivery,
2 or renews in this state a health insurance policy that provides
3 coverage for prescription drugs and limits those benefits to drugs
4 included in a formulary shall do all of the following:
5 (a) Provide for participation of participating physicians,



1 dentists, and pharmacists in the development of the formulary.

2 (b) Disclose to health care providers and upon request to
3 insureds the nature of the formulary restrictions.

4 (c) Provide for exceptions from the formulary limitation when
5 a nonformulary alternative is a medically necessary and appropriate
6 alternative. This subdivision does not prevent an insurer from
7 establishing prior authorization requirements or another process
8 for consideration of coverage or higher cost-sharing for
9 nonformulary alternatives.

10 (2) On a request for an expedited review of coverage for a
11 nonformulary alternative based on exigent circumstances, an insurer
12 shall make a determination and notify the enrollee or the
13 enrollee's designee and the prescribing physician, or other
14 prescriber, as appropriate, of the determination within 24 hours
15 after the insurer receives all information necessary to determine
16 whether the exception should be granted. For purposes of this
17 subsection, exigent circumstances exist when an enrollee is
18 suffering from a health condition that may seriously jeopardize the
19 enrollee's life, health, or ability to regain maximum function or
20 when an enrollee is undergoing a current course of treatment using
21 a nonformulary drug.

22 (3) If subsection (2) does not apply, an insurer shall make a
23 determination on coverage for a nonformulary alternative and notify
24 the enrollee or the enrollee's designee and the prescribing
25 physician, or other prescriber, as appropriate, of the
26 determination within 72 hours after the insurer receives all
27 information necessary to determine whether the exception should be
28 granted.

29 **(4) This section is subject to section 3406v.**



1 Sec. 3406v. During the state of emergency declared under
2 Executive Order No. 2020-4 or any extension of that order, an
3 insurer that delivers, issues for delivery, or renews in this state
4 a health insurance policy that provides coverage for prescription
5 drugs shall do both of the following:

6 (a) Provide coverage for an emergency refill of up to a 60-day
7 supply of any noncontrolled maintenance medication.

8 (b) Provide coverage for an early refill of any 30-day or 60-
9 day prescription maintenance drug to allow for up to a 90-day
10 supply, without regard to whether the pharmacy is mail order or in
11 person.

