

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

H. B. No. 568

Representative Clites

A BILL

To amend section 5167.12 and to enact sections 1
3902.50, 3902.51, and 5164.7516 of the Revised 2
Code to require insurance and Medicaid coverage 3
of a ninety-day supply of certain covered drugs 4
and to declare an emergency. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 5167.12 be amended and sections 6
3902.50, 3902.51, and 5164.7516 of the Revised Code be enacted 7
to read as follows: 8

Sec. 3902.50. As used in sections 3902.50 and 3902.51 of 9
the Revised Code: 10

(A) "Cost sharing" means the cost borne by a person 11
covered under a health benefit plan according to any coverage 12
limit, copayment, coinsurance, deductible, or other out-of- 13
pocket expense requirements imposed by the plan. 14

(B) "Covered person," "health benefit plan," and "health 15
plan issuer" have the same meanings as in section 3922.01 of the 16
Revised Code. 17

(C) "State of emergency" means a state of emergency 18

declared by the governor in an executive order. 19

Sec. 3902.51. (A) A health benefit plan that provides 20
coverage for prescription drugs shall, during any state of 21
emergency, cover a prescribed ninety-day supply of covered drugs 22
dispensed under section 4729.40 of the Revised Code. 23

(B) A health plan issuer shall not impose any cost-sharing 24
requirement for coverage provided under division (A) of this 25
section that is proportionally greater than the cost-sharing 26
requirement for a standard supply of the prescription. 27

(C) Nothing in this section shall be construed as doing 28
either of the following: 29

(1) Requiring a health benefit plan to cover a drug that 30
is not already covered; 31

(2) Prohibiting a health benefit plan from imposing a 32
cost-sharing requirement with regard to the coverage provided 33
under division (A) of this section. 34

Sec. 5164.7516. (A) As used in this section, "state of 35
emergency" has the same meaning as in section 3902.50 of the 36
Revised Code. 37

(B) The department of medicaid shall, during any state of 38
emergency, cover a ninety-day supply of a prescribed drug 39
dispensed under section 4729.40 of the Revised Code. 40

(C) The department shall not impose any cost-sharing 41
requirement for coverage provided under division (B) of this 42
section that is proportionally greater than the cost-sharing 43
requirement established under section 5162.20 of the Revised 44
Code for a standard supply of the prescribed drug. 45

(D) Nothing in this section shall be construed as doing 46

either of the following: 47

(1) Requiring the department to cover a drug that is not 48
already covered under the medicaid program; 49

(2) Prohibiting the department from imposing a cost- 50
sharing requirement under section 5162.20 of the Revised Code 51
with regard to the coverage provided under division (B) of this 52
section. 53

Sec. 5167.12. If prescribed drugs are included in the care 54
management system: 55

(A) Medicaid MCO plans may include strategies for the 56
management of drug utilization, but any such strategies are 57
subject to the limitations and requirements of this section and 58
the approval of the department of medicaid. 59

(B) A medicaid MCO plan shall not impose a prior 60
authorization requirement in the case of a drug to which all of 61
the following apply: 62

(1) The drug is an antidepressant or antipsychotic. 63

(2) The drug is administered or dispensed in a standard 64
tablet or capsule form, except that in the case of an 65
antipsychotic, the drug also may be administered or dispensed in 66
a long-acting injectable form. 67

(3) The drug is prescribed by any of the following: 68

(a) A physician whom the medicaid managed care 69
organization that offers the plan allows to provide care as a 70
psychiatrist through its credentialing process; 71

(b) A psychiatrist who is practicing at a location on 72
behalf of a community mental health services provider whose 73

mental health services are certified by the department of mental 74
health and addiction services under section 5119.36 of the 75
Revised Code; 76

(c) A certified nurse practitioner, as defined in section 77
4723.01 of the Revised Code, who is certified in psychiatric 78
mental health by a national certifying organization approved by 79
the board of nursing under section 4723.46 of the Revised Code; 80

(d) A clinical nurse specialist, as defined in section 81
4723.01 of the Revised Code, who is certified in psychiatric 82
mental health by a national certifying organization approved by 83
the board of nursing under section 4723.46 of the Revised Code. 84

(4) The drug is prescribed for a use that is indicated on 85
the drug's labeling, as approved by the federal food and drug 86
administration. 87

(C) The department shall authorize a medicaid MCO plan to 88
include a pharmacy utilization management program under which 89
prior authorization through the program is established as a 90
condition of obtaining a controlled substance pursuant to a 91
prescription. 92

(D) Each medicaid managed care organization and medicaid 93
MCO plan shall comply with sections 5164.091, 5164.7511, 94
5164.7512, ~~and~~ 5164.7514, and 5164.7516 of the Revised Code as 95
if the organization were the department and the plan were the 96
medicaid program. 97

Section 2. That existing section 5167.12 of the Revised 98
Code is hereby repealed. 99

Section 3. Sections 3902.50 and 3902.51 of the Revised 100
Code as enacted by this act shall apply to health benefit plans, 101
as that term is defined in section 3922.01 of the Revised Code, 102

in effect on the effective date of this section. Those sections 103
shall also apply to all health benefit plans issued, amended, or 104
renewed on or after the effective date of this section. 105

Section 5167.12 of the Revised Code as amended by this act 106
and sections 3902.50, 3902.51, and 5164.7516 of the Revised Code 107
as enacted by this act shall apply to the state of emergency 108
declared by Executive Order 2020-01D, issued on March 9, 2020, 109
to protect the well-being of Ohio citizens from the dangerous 110
effects of COVID-19. 111

Section 4. This act is an emergency measure necessary for 112
the immediate preservation of the public peace, health, and 113
safety. The reason for such necessity is to provide patients 114
access to necessary medications while minimizing their exposure 115
to COVID-19. Therefore, this act shall go into immediate effect. 116