A BILL FOR AN ACT

RELATING TO CONSUMER PROTECTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Chapter 431, Hawaii Revised Statutes, is amended by adding a new section to article 10A to be appropriately designated and to read as follows:

"§431:10A- Formulary; accessibility requirements. (a)

Each insurer offering or renewing an individual or group accident and health or sickness insurance policy on or after January 1, 2017, shall provide the following information via a public website and through a toll-free number that is posted on the insurer's website:

(1) Its formulary; provided that notice of any changes due to the addition of a new drug or deletion of any existing drug shall be made available no later than seventy-two hours after the effective date of the change; provided further that notice of other changes, including drug strength or form, shall be made available within fourteen calendar days of the effective date of the change;
(2) Provide a system that allows an insured or potential insured to determine whether prescription drugs are covered under the plan’s medical benefits and typically administered by a provider, along with any cost-sharing imposed on such drugs;

(3) Indicate a dollar amount range of cost-sharing typically paid by an insured of each specific drug included on the formulary based on the information the insurer has available, as follows:

(A) $100 and under: $;

(B) Over $100 to $250: $$;

(C) Over $250 to $500: $$$;

(D) Over $500 to $1,000: $$$$; and

(E) Over $1,000: $$$$$; and

(4) Display standardized content for the formulary for each product offered by the plan pursuant to recommendations made by the formulary accessibility working group established pursuant to Act , Session Laws of Hawaii 2015.

(b) For the purposes of this section, "formulary" means the complete list of drugs preferred for use and eligible for
coverage under a policy, including drugs covered under the
type of pharmacy benefit and medical benefit as defined by the
health care service plans.

(c) This section shall not apply to limited benefit health
insurance as provided in section 431:10A-102.5; provided further
that this section shall not apply to medicare, medicaid, or
other federally financed plans.

SECTION 2. Chapter 432, Hawaii Revised Statutes, is
amended by adding a new section to article 1 to be appropriately
designated and to read as follows:

"§432:1- Formulary; accessibility requirements. (a)

Each mutual benefit society offering or renewing an individual
and group hospital or medical service plan contract on or after
January 1, 2017, shall provide the following information via a
public website and through a toll-free number that is posted on
the mutual benefit society's website:

(1) Its formulary; provided that notice of any changes due
to the addition of a new drug or deletion of any
existing drug shall be made available no later than
seventy-two hours after the effective date of the
change; provided further that notice of other changes,
including drug strength or form, shall be made available within fourteen calendar days of the effective date of the change;

(2) Provide a system that allows a subscriber or potential subscriber to determine whether prescription drugs are covered under the plan's medical benefits and typically administered by a provider, along with any cost-sharing imposed on such drugs;

(3) Indicate a dollar amount range of cost-sharing typically paid by a subscriber of each specific drug included on the formulary based on the information the mutual benefit society has available, as follows:

(A) $100 and under: $;
(B) Over $100 to $250: $$;
(C) Over $250 to $500: $$$;
(D) Over $500 to $1,000: $$$$; and
(E) Over $1,000: $$$$$; and

(4) Display standardized content for the formulary for each product offered by the plan pursuant to recommendations made by the formulary accessibility
working group established pursuant to Act—.

Session Laws of Hawaii 2015.

(b) For the purposes of this section, "formulary" means the complete list of drugs preferred for use and eligible for coverage under a policy, including drugs covered under the policy's pharmacy benefit and medical benefit as defined by the health care service plans.

(c) This section shall not apply to limited benefit health insurance as provided in section 431:10A-102.5; provided further that this section shall not apply to medicare, medicaid, or other federally financed plans."

SECTION 3. Section 432D-23, Hawaii Revised Statutes, is amended to read as follows:

"§432D-23 Required provisions and benefits.

SECTION 4. (a) There is established a formulary
accessibility working group to be appointed and administered by
the insurance commissioner for the purpose of making
recommendations for a standard formulary template pursuant to
this Act. The working group shall include the following
members:

(1) Insurance commissioner, or the commissioner's
designee, who shall serve as chair;

(2) Director of health, or the director's designee;

(3) Representatives from the health care provider
community;

(4) Representatives from the board of pharmacy;

(5) Representatives from the Hawaii Association of Health
Plans; and

(6) One representative from the American Cancer Society
Cancer Action Network – Hawaii Pacific Region.

(b) The formulary accessibility working group shall make
its recommendations related to a standard formulary template to
the legislature no later than twenty days prior to the convening
of the regular session of 2016.

(c) The formulary accessibility working group shall
dissolve on June 30, 2016.

SECTION 5. Statutory material to be repealed is bracketed
and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect on July 1, 2015.
Report Title: Drug Formulary; Posting Requirements; Insurers; Health Plan

Description: Requires health insurers, mutual benefit societies, and health maintenance organizations to post and update information on drug formularies via a public website and toll-free number for the benefit of insureds, potential insureds, and providers. Establishes a formulary accessibility working group. (HB261 CD1)

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