



Rep. Laura Fine

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LRB099 09324 MLM 34448 a

1 AMENDMENT TO HOUSE BILL 3549

2 AMENDMENT NO. _____. Amend House Bill 3549 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Managed Care Reform and Patient Rights Act
5 is amended by changing Section 45.1 as follows:

6 (215 ILCS 134/45.1)

7 Sec. 45.1. Medical exceptions procedures required.

8 (a) Notwithstanding any other provision of law, on or after
9 the effective date of this amendatory Act of the 99th General
10 Assembly, every insurer licensed in this State to sell a policy
11 of group or individual accident and health insurance or a
12 health benefits plan shall ~~Every health carrier that offers a~~
13 ~~qualified health plan, as defined in the federal Patient~~
14 ~~Protection and Affordable Care Act of 2010 (Public Law~~
15 ~~111 148), as amended by the federal Health Care and Education~~
16 ~~Reconciliation Act of 2010 (Public Law 111 152), and any~~

1 ~~amendments thereto, or regulations or guidance issued under~~
2 ~~those Acts (collectively, "the Federal Act"), directly to~~
3 ~~consumers in this State shall~~ establish and maintain a medical
4 exceptions process that allows covered persons or their
5 authorized representatives to request any clinically
6 appropriate prescription drug when (1) the drug is not covered
7 based on the health benefit plan's formulary; (2) the health
8 benefit plan is discontinuing coverage of the drug on the
9 plan's formulary for reasons other than safety or other than
10 because the prescription drug has been withdrawn from the
11 market by the drug's manufacturer; (3) the prescription drug
12 alternatives required to be used in accordance with a step
13 therapy requirement (A) has been ineffective in the treatment
14 of the enrollee's disease or medical condition or, based on
15 both sound clinical evidence and medical and scientific
16 evidence, the known relevant physical or mental
17 characteristics of the enrollee, and the known characteristics
18 of the drug regimen, is likely to be ineffective or adversely
19 affect the drug's effectiveness or patient compliance or (B)
20 has caused or, based on sound medical evidence, is likely to
21 cause an adverse reaction or harm to the enrollee; or (4) the
22 number of doses available under a dose restriction for the
23 prescription drug (A) has been ineffective in the treatment of
24 the enrollee's disease or medical condition or (B) based on
25 both sound clinical evidence and medical and scientific
26 evidence, the known relevant physical and mental

1 characteristics of the enrollee, and known characteristics of
2 the drug regimen, is likely to be ineffective or adversely
3 affect the drug's effective or patient compliance.

4 (b) The health carrier's established medical exceptions
5 procedures must require, at a minimum, the following:

6 (1) Any request for approval of coverage made verbally
7 or in writing (regardless of whether made using a paper or
8 electronic form or some other writing) at any time shall be
9 reviewed by appropriate health care professionals.

10 (2) The health carrier must, within 72 hours after
11 receipt of a request made under subsection (a) of this
12 Section, either approve or deny the request. In the case of
13 a denial, the health carrier shall provide the covered
14 person or the covered person's authorized representative
15 and the covered person's prescribing provider with the
16 reason for the denial, an alternative covered medication,
17 if applicable, and information regarding the procedure for
18 submitting an appeal to the denial.

19 (3) In the case of an expedited coverage determination,
20 the health carrier must either approve or deny the request
21 within 24 hours after receipt of the request. In the case
22 of a denial, the health carrier shall provide the covered
23 person or the covered person's authorized representative
24 and the covered person's prescribing provider with the
25 reason for the denial, an alternative covered medication,
26 if applicable, and information regarding the procedure for

1 submitting an appeal to the denial.

2 (c) Notwithstanding any other provision of this Section,
3 nothing in this Section shall be interpreted or implemented in
4 a manner not consistent with the Federal Act.

5 (Source: P.A. 98-1035, eff. 8-25-14.)".