

---

**SUBSTITUTE SENATE BILL 5782**

---

**State of Washington**

**65th Legislature**

**2017 Regular Session**

**By** Senate Health Care (originally sponsored by Senators Rivers and Mullet)

READ FIRST TIME 02/17/17.

1 AN ACT Relating to restricting the use of step therapy by public  
2 and private insurers for drugs used in mental health treatment;  
3 adding a new section to chapter 48.43 RCW; adding a new section to  
4 chapter 41.05 RCW; and adding a new section to chapter 74.09 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 48.43  
7 RCW to read as follows:

8 (1) Beginning July 1, 2018, each carrier offering or renewing a  
9 health benefit plan may require step therapy for medications  
10 necessary for the treatment of mental illness only as follows:

11 (a) The carrier may require a first attempt treatment using one  
12 particular drug covered by the carrier unless the patient's  
13 prescribing practitioner demonstrates that the patient has already  
14 tried and failed on the carrier's first attempt treatment drug or a  
15 drug in the same pharmacologic class, in which case, the carrier must  
16 provide immediate coverage for the drug prescribed by the  
17 practitioner.

18 (b) Following a patient's use of the first attempt drug, the  
19 carrier must provide immediate coverage for the drug prescribed by  
20 the patient's prescribing practitioner if the patient's prescribing  
21 practitioner determines that the first attempt drug:

1 (i) Must be discontinued due to lack of efficacy, diminished  
2 effect, or an adverse event;

3 (ii) Is contraindicated or will likely cause an adverse reaction  
4 in, or physical or mental harm to, the patient;

5 (iii) Is expected to be ineffective based on the known clinical  
6 characteristics of the patient and the known characteristics of the  
7 first attempt prescription drug; or

8 (iv) Is not in the best interest of the patient, based on medical  
9 necessity.

10 (2) This section does not apply if a free sample of a medication  
11 has been provided to the patient.

12 (3) This section does not prohibit generic substitution.

13 (4) The definitions in this subsection apply throughout this  
14 section unless the context clearly requires otherwise.

15 (a) "Mental health medications" means stimulants,  
16 antidepressants, antipsychotics, mood stabilizers, and antianxiety  
17 agents used in the treatment of mental health disorders and  
18 conditions.

19 (b) "Step therapy" means a program establishing the specific  
20 sequence in which medically appropriate prescription drugs, including  
21 self-administered and physician-administered drugs, for a specified  
22 medical condition are covered as a pharmacy or medical benefit by a  
23 carrier. "Step therapy" does not include substituting a generic drug  
24 for the drug prescribed by the prescribing practitioner.

25 NEW SECTION. **Sec. 2.** A new section is added to chapter 41.05  
26 RCW to read as follows:

27 (1) Beginning July 1, 2018, the health care authority may require  
28 step therapy for medications necessary for the treatment of mental  
29 illness only as follows:

30 (a) The authority may require a first attempt treatment using one  
31 particular drug covered by the authority unless the patient's  
32 prescribing practitioner demonstrates that the patient has already  
33 tried and failed on the authority's first attempt treatment drug or a  
34 drug in the same pharmacologic class, in which case, the authority  
35 must provide immediate coverage for the drug prescribed by the  
36 practitioner.

37 (b) Following a patient's use of the first attempt drug, the  
38 authority must provide immediate coverage for the drug prescribed by

1 the patient's prescribing practitioner if the patient's prescribing  
2 practitioner determines that the first attempt drug:

3 (i) Must be discontinued due to lack of efficacy, diminished  
4 effect, or an adverse event;

5 (ii) Is contraindicated or will likely cause an adverse reaction  
6 in, or physical or mental harm to, the patient;

7 (iii) Is expected to be ineffective based on the known clinical  
8 characteristics of the patient and the known characteristics of the  
9 first attempt prescription drug; or

10 (iv) Is not in the best interest of the patient, based on medical  
11 necessity.

12 (2) This section does not apply if a free sample of a medication  
13 has been provided to the patient.

14 (3) This section does not prohibit generic substitution.

15 (4) The definitions in this subsection apply throughout this  
16 section unless the context clearly requires otherwise.

17 (a) "Mental health medications" means stimulants,  
18 antidepressants, antipsychotics, mood stabilizers, and antianxiety  
19 agents used in the treatment of mental health disorders and  
20 conditions.

21 (b) "Step therapy" means a program establishing the specific  
22 sequence in which medically appropriate prescription drugs, including  
23 self-administered and physician-administered drugs, for a specified  
24 medical condition are covered as a pharmacy or medical benefit by a  
25 carrier. "Step therapy" does not include substituting a generic drug  
26 for the drug prescribed by the prescribing practitioner.

27 NEW SECTION. **Sec. 3.** A new section is added to chapter 74.09  
28 RCW to read as follows:

29 (1) Beginning July 1, 2018, the health care authority may require  
30 step therapy for medications necessary for the treatment of mental  
31 illness only as follows:

32 (a) The authority may require a first attempt treatment using one  
33 particular drug covered by the authority unless the patient's  
34 prescribing practitioner demonstrates that the patient has already  
35 tried and failed on the authority's first attempt treatment drug or a  
36 drug in the same pharmacologic class, in which case, the authority  
37 must provide immediate coverage for the drug prescribed by the  
38 practitioner.

1 (b) Following a patient's use of the first attempt drug, the  
2 authority must provide immediate coverage for the drug prescribed by  
3 the patient's prescribing practitioner if the patient's prescribing  
4 practitioner determines that the first attempt drug:

5 (i) Must be discontinued due to lack of efficacy, diminished  
6 effect, or an adverse event;

7 (ii) Is contraindicated or will likely cause an adverse reaction  
8 in, or physical or mental harm to, the patient;

9 (iii) Is expected to be ineffective based on the known clinical  
10 characteristics of the patient and the known characteristics of the  
11 first attempt prescription drug; or

12 (iv) Is not in the best interest of the patient, based on medical  
13 necessity.

14 (2) This section does not apply if a free sample of a medication  
15 has been provided to the patient.

16 (3) This section does not prohibit generic substitution.

17 (4) The definitions in this subsection apply throughout this  
18 section unless the context clearly requires otherwise.

19 (a) "Mental health medications" means stimulants,  
20 antidepressants, antipsychotics, mood stabilizers, and antianxiety  
21 agents used in the treatment of mental health disorders and  
22 conditions.

23 (b) "Step therapy" means a program establishing the specific  
24 sequence in which medically appropriate prescription drugs, including  
25 self-administered and physician-administered drugs, for a specified  
26 medical condition are covered as a pharmacy or medical benefit by a  
27 carrier. "Step therapy" does not include substituting a generic drug  
28 for the drug prescribed by the prescribing practitioner.

--- END ---