
SENATE BILL 5782

State of Washington

65th Legislature

2017 Regular Session

By Senators Rivers and Mullet

Read first time 02/09/17. Referred to Committee on Health Care.

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 prohibit generic substitution.

11 (3) The definitions in this subsection apply throughout this
12 section unless the context clearly requires otherwise.

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

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

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

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

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

35 (b) Following a patient's use of the first attempt drug, the
36 authority must provide immediate coverage for the drug prescribed by
37 the patient's prescribing practitioner if the patient's prescribing
38 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 prohibit generic substitution.

11 (3) The definitions in this subsection apply throughout this
12 section unless the context clearly requires otherwise.

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

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

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

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

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

35 (b) Following a patient's use of the first attempt drug, the
36 authority must provide immediate coverage for the drug prescribed by
37 the patient's prescribing practitioner if the patient's prescribing
38 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 prohibit generic substitution.
11 (3) The definitions in this subsection apply throughout this
12 section unless the context clearly requires otherwise.
13 (a) "Mental health medications" means stimulants,
14 antidepressants, antipsychotics, mood stabilizers, and antianxiety
15 agents used in the treatment of mental health disorders and
16 conditions.
17 (b) "Step therapy" means a program establishing the specific
18 sequence in which medically appropriate prescription drugs, including
19 self-administered and physician-administered drugs, for a specified
20 medical condition are covered as a pharmacy or medical benefit by a
21 carrier. "Step therapy" does not include substituting a generic drug
22 for the drug prescribed by the prescribing practitioner.

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