
SENATE BILL 5160

State of Washington 65th Legislature 2017 Regular Session

By Senators Rivers, Cleveland, Keiser, O'Ban, and Carlyle

Read first time 01/16/17. Referred to Committee on Health Care.

1 AN ACT Relating to prescription drug insurance continuity of
2 care; and adding a new section to chapter 48.43 RCW.

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

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

6 (1) Except as provided in subsection (2) of this section, for
7 health plans that include prescription drug coverage, an issuer may
8 not, outside of an open enrollment period, deny continued coverage or
9 increase the copayment or coinsurance amount for a prescription drug
10 to a medically stable enrollee if:

11 (a) The enrollee or the participating prescribing provider
12 contacts the issuer requesting continued coverage for the
13 prescription drug for the remainder of the plan year;

14 (b) The drug had previously been covered by the plan for the
15 enrollee's medical condition during the enrollee's current plan year;

16 (c) A participating provider continues to prescribe the drug for
17 the enrollee's medical condition and the drug is a maintenance
18 medication or for the treatment of a chronic condition;

19 (d) The drug is appropriately prescribed and is considered safe
20 and effective for treating the enrollee's medical condition; and

21 (e) The enrollee continues to be enrolled in the plan.

1 (2) Nothing in this section prohibits:
2 (a) The issuer from requiring generic substitution during the
3 current plan year;
4 (b) The issuer from adding new drugs to its formulary during the
5 current plan year, as long as the changed formulary applies only to
6 new prescriptions and not existing prescriptions in violation of
7 subsection (1) of this section;
8 (c) A participating prescribing provider from prescribing a
9 different drug that is covered by the plan and medically appropriate
10 for the enrollee; or
11 (d) The issuer from removing a drug from its formulary for
12 reasons of patient safety concerns, drug recall, or removal from the
13 market as determined by the United States food and drug
14 administration.
15 (3) This section applies to plans issued or renewed on or after
16 January 1, 2019.

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