

INSURANCE OPIOID REGULATION

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Raymond P. Ward

Senate Sponsor: Evan J. Vickers

LONG TITLE

General Description:

This bill authorizes commercial insurers, the state Medicaid program, workers' compensation insurers, and public employee insurers to implement policies to minimize the risk of prescribing certain controlled substances.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ authorizes a health insurance policy, a health plan offered to state employees, the Medicaid program, and workers' compensation insurance to establish policies to minimize the risk of opioid addiction and overdose;
- ▶ applies to insurance plans entered into or renewed on or after July 1, 2017;
- ▶ requires a report to the Health and Human Services Interim Committee; and
- ▶ sunsets the requirement for prescribing policies on July 1, 2022.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63I-1-231, as last amended by Laws of Utah 2015, Chapter 50

ENACTS:

- 29 [26-18-21](#), Utah Code Annotated 1953
- 30 [31A-22-615](#), Utah Code Annotated 1953
- 31 [34A-2-424](#), Utah Code Annotated 1953
- 32 [49-20-414](#), Utah Code Annotated 1953



34 *Be it enacted by the Legislature of the state of Utah:*

35 Section 1. Section **26-18-21** is enacted to read:

36 **26-18-21. Prescribing policies for opioid prescriptions.**

37 (1) The department may implement a prescribing policy for certain opioid prescriptions
38 that is substantially similar to the prescribing policies required in Section [31A-22-615](#).

39 (2) The department may amend the state program and apply for waivers for the state
40 program, if necessary, to implement Subsection (1).

41 Section 2. Section **31A-22-615** is enacted to read:

42 **31A-22-615. Insurance coverage for opioids -- Policies -- Reports.**

43 (1) For purposes of this section:

44 (a) "Health care provider" means an individual, other than a veterinarian, who:

45 (i) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah
46 Controlled Substances Act; and

47 (ii) possesses the authority, in accordance with the individual's scope of practice, to
48 prescribe Schedule II controlled substances and Schedule III controlled substances that are
49 applicable to opioids and benzodiazapines.

50 (b) "Health insurer" means:

51 (i) an insurer who offers health care insurance as that term is defined in Section

52 [31A-1-301](#);

53 (ii) health benefits offered to state employees under Section [49-20-202](#); and

54 (iii) a workers' compensation insurer:

55 (A) authorized to provide workers' compensation insurance in the state; or

56 (B) that is a self-insured employer as defined in Section 34A-2-201.

57 (c) "Opioid" has the same meaning as "opiate," as that term is defined in Section
58 58-37-2.

59 (d) "Prescribing policy" means a policy developed by a health insurer that includes
60 evidence based guidelines for prescribing opioids, and may include the 2016 Center for Disease
61 Control Guidelines for Prescribing Opioids for Chronic Pain, or the Utah Clinical Guidelines
62 on Prescribing Opioids for the treatment of pain.

63 (2) A health insurer that provides prescription drug coverage may enact a policy to
64 minimize the risk of opioid addiction and overdose from:

65 (a) chronic co-prescription of opioids with benzodiazapines and other sedating
66 substances;

67 (b) prescription of very high dose opioids in the primary care setting; and

68 (c) the inadvertent transition of short-term opioids for an acute injury into long-term
69 opioid dependence.

70 (3) A health insurer that provides prescription drug coverage may enact policies to
71 facilitate:

72 (a) non-narcotic treatment alternatives for patients who have chronic pain; and

73 (b) medication-assisted treatment for patients who have opioid dependence disorder.

74 (4) The requirements of this section apply to insurance plans entered into or renewed
75 on or after July 1, 2017.

76 (5) (a) A health insurer subject to this section shall on or before September 1, 2017,
77 and before each September 1 thereafter, submit a written report to the Utah Insurance
78 Department regarding whether the insurer has adopted a policy and a general description of the
79 policy.

80 (b) The Utah Insurance Department shall, on or before October 1, 2017, and before
81 each October 1 thereafter, submit a written summary of the information under Subsection (5)(a)
82 to the Health and Human Services Interim Committee.

83 (6) A health insurer subject to this section may share the policies developed under this
84 section with other health insurers and the public.

85 (7) This section sunsets in accordance with Section 63I-1-231.

86 Section 3. Section **34A-2-424** is enacted to read:

87 **34A-2-424. Prescribing policies for certain opioid prescriptions.**

88 (1) This section applies to a person regulated by this chapter or Chapter 3, Utah
89 Occupational Disease Act.

90 (2) A self-insured employer, as that term is defined in Section 34A-2-201.5, an
91 insurance carrier, and a managed health care program under Section 34A-2-111 may implement
92 a prescribing policy for certain opioid prescriptions in accordance with Section 31A-22-615.

93 Section 4. Section **49-20-414** is enacted to read:

94 **49-20-414. Prescribing policies for certain opioid prescriptions.**

95 A plan offered to state employees under this chapter may implement a prescribing
96 policy for certain opioid prescriptions in accordance with Section 31A-22-615.

97 Section 5. Section **63I-1-231** is amended to read:

98 **63I-1-231. Repeal dates, Title 31A.**

99 (1) Section **31A-2-217**, Coordination with other states, is repealed July 1, 2023.

100 (2) Section **31A-22-615** is repealed July 1, 2022.

101 ~~[(2)]~~ (3) Section **31A-22-619.6**, Coordination of benefits with workers' compensation
102 claim--Health insurer's duty to pay, is repealed on July 1, 2018.

103 ~~[(3)]~~ Title 31A, Chapter 29, Comprehensive Health Insurance Pool Act, is repealed July
104 1, 2015.]

105 (4) Section **31A-22-642**, Insurance coverage for autism spectrum disorder, is repealed
106 on January 1, 2019.