

INSURANCE OPIOID REGULATION

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Raymond P. Ward

Senate Sponsor: _____

LONG TITLE

General Description:

This bill requires 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;
- ▶ requires a health insurance policy, a health plan offered to state employees, the Medicaid program, and workers' compensation insurance to establish policies for prescribing certain controlled substances;
- ▶ 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



28 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

33

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 shall implement a prescribing policy for certain opioid
38 prescriptions that is substantially similar to the prescribing policies required in Section
39 [31A-22-615](#).

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

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

43 **31A-22-615. Insurance coverage for opioids -- Policies -- Reports.**

44 (1) For purposes of this section:

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

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

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

51 (b) "Health insurer" means:

52 (i) an insurer who offers health care insurance as that term is defined in Section
53 [31A-1-301](#);

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

55 (iii) a workers' compensation insurer:

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

57 (B) that is a self-insured employer as defined in Section [34A-2-201](#).

58 (c) "Opioid" has the same meaning as "opiate," as that term is defined in Section

59 [58-37-2.](#)

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

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

- 66 (a) co-prescription of opioids with benzodiazapines and other sedating 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~~ **dependence** .

70 (3) A health insurer that provides prescription drug coverage shall 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 health insurer subject to this section shall on or before October 1, 2018, and
 77 before each October 1 thereafter, report to the Health and Human Services Interim Committee
 78 regarding ~~the~~ **the** :

79 ~~(a)~~ ~~the health insurer's opioid policies as described in Subsections (2) and (3)~~ **(a)** ~~the~~ **the**
 79a **and**

80 ~~(b) the health insurer's analysis of whether the prescribing policy has been effective in~~
 81 ~~reducing the risk of opioid addictions and overdoses~~ **(b)** ~~the~~ **the** .

82 (5) This section sunsets in accordance with Section [63I-1-231](#).

83 Section 3. Section ~~34A-2-424~~ is enacted to read:

84 **34A-2-424. Prescribing policies for certain opioid prescriptions.**

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

87 (2) A self-insured employer, as that term is defined in Section [34A-2-201.5](#), an
 88 insurance carrier, and a managed health care program under Section [34A-2-111](#) shall
 89 implement a prescribing policy for certain opioid prescriptions in accordance with Section

90 [31A-22-615.](#)

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

92 **49-20-414. Prescribing policies for certain opioid prescriptions.**

93 A plan offered to state employees under this chapter shall implement a prescribing
94 policy for certain opioid prescriptions in accordance with Section [31A-22-615.](#)

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

96 **63I-1-231. Repeal dates, Title 31A.**

97 (1) Section [31A-2-217](#), Coordination with other states, is repealed July 1, 2023.

98 (2) Section [31A-22-615](#) is repealed July 1, 2022.

99 [~~2~~] (3) Section [31A-22-619.6](#), Coordination of benefits with workers' compensation
100 claim--Health insurer's duty to pay, is repealed on July 1, 2018.

101 [~~3~~] Title 31A, Chapter 29, Comprehensive Health Insurance Pool Act, is repealed July
102 1, 2015.]

103 (4) Section [31A-22-642](#), Insurance coverage for autism spectrum disorder, is repealed
104 on January 1, 2019.

Legislative Review Note
Office of Legislative Research and General Counsel