

**Representative Raymond P. Ward** proposes the following substitute bill:

**INSURANCE OPIOID REGULATION**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Raymond P. Ward**

Senate Sponsor: \_\_\_\_\_

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**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 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:**



26 AMENDS:

27 [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

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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 Utah Clinical Guidelines  
63 on Prescribing Opioids for the treatment of pain.

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

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

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

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

71 (3) A health insurer who chooses to comply with Subsection (2) by implementing a  
72 prior authorization process shall include an appeals process for the prior authorization.

73 (4) A health insurer that provides prescription drug coverage shall enact policies to  
74 facilitate:

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

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

77 (5) The requirements of this section apply to insurance plans entered into or renewed  
78 on or after July 1, 2017.

79 (6) A health insurer subject to this section shall on or before October 1, 2018, and  
80 before each October 1 thereafter, submit a report to the Health and Human Services Interim  
81 Committee regarding:

82 (a) the health insurer's opioid policies as described in Subsections (2) and (3); and

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

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](#) shall  
92 implement a prescribing policy for certain opioid prescriptions in accordance with Section  
93 [31A-22-615](#).

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

95           **49-20-414. Prescribing policies for certain opioid prescriptions.**

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

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

99           **63I-1-231. Repeal dates, Title 31A.**

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

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

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

104           ~~[(3) Title 31A, Chapter 29, Comprehensive Health Insurance Pool Act, is repealed July~~  
105 ~~1, 2015.]~~

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