

1413 Amendment Idea:

1. As used in this section
 - a. "Cost sharing" means any coinsurance or deductible under a health benefit plan.
 - b. "Enrollee" means an individual entitled to health care services under a health benefit plan.
 - c. "Health benefit plan" has the same meaning as provided under section 26.1-36.3-01
 - d. "Prescription Drug"
 - i. Without a generic equivalent; or
 - ii. With a generic equivalent and the enrollee has obtained access to the drug through prior authorization, a step therapy protocol, or the health care insurer's exceptions and appeals process.
2. To the extent permitted by federal law and regulation, an insurer may not deliver, issue, execute, or renew a health benefit plan that provides prescription drug coverage unless that health benefit plan provides, when calculating an enrollee's overall contribution to any out-of-pocket maximum or any cost-sharing requirement for a prescription drug under the health benefit plan, the health benefit plan provides for the inclusion or any amount paid by the enrollee (remove "paid on behalf of the enrollee by another person"). The health benefit plan may not vary the out-of-pocket maximum or cost-sharing requirement, or otherwise design benefits in a manner that takes into account the availability of a cost-sharing assistance program for a prescription drug.
3. If application would result of this section would result in ineligibility of a health benefit plan that is a qualified high-deductible plan to qualify as a health savings account under section 223 of the IRS Code, the requirements of this section do not apply with respect to the deductible of the health benefit plan until after the enrollee has satisfied the minimum deductible under section 26 USC 223.
4. This goes into effect upon renewal of a health benefit plan.
5. All coupons must be offered, regardless of payer source, unless otherwise prohibited by federal law.
6. This Act applies to public employees retirement system health benefits coverage that begins after June 30, 2023, and which does not extend past June 30, 2025.