

~~(2) HEALTH MAINTENANCE ORGANIZATIONS THAT:~~

~~(1) PROVIDE COVERAGE FOR PRESCRIPTION DRUGS UNDER CONTRACTS THAT ARE DELIVERED OR ISSUED FOR DELIVERY IN THE STATE TO EMPLOYERS OR INDIVIDUALS ON A GROUP OR INDIVIDUAL BASIS, AND~~

~~(2) LIMIT COVERAGE OF PRESCRIPTION DRUGS TO THOSE IN A FORMULARY.~~

~~(3) (1) EACH ENTITY SUBJECT TO THIS SECTION SHALL ESTABLISH AND IMPLEMENT A PROCEDURE BY WHICH A MEMBER MAY RECEIVE A PRESCRIPTION DRUG THAT IS NOT IN A FORMULARY IF, IN THE JUDGMENT OF THE PHYSICIAN WHO IS CARING FOR THE MEMBER, THE PRESCRIPTION DRUG IS MEDICALLY NECESSARY BECAUSE THE FORMULARY DRUG:~~

~~(A) HAS BEEN INEFFECTIVE IN TREATING THE DISEASE OR CONDITION OF THE MEMBER; OR~~

~~(B) HAS CAUSED OR IS LIKELY TO CAUSE AN ADVERSE REACTION OR OTHER HARM TO THE MEMBER.~~

~~(2) A MEMBER WHO OBTAINS A PRESCRIPTION DRUG UNDER THIS SUBSECTION MAY NOT BE REQUIRED TO PAY ANY FEE OR COPAYMENT OTHER THAN THAT REQUIRED FOR A PRESCRIPTION DRUG IN THE FORMULARY.~~

~~(3) AN ENTITY SUBJECT TO THIS SECTION MAY NOT LIMIT THE RIGHT OF A MEMBER WHO HAS A RECURRING DISEASE OR CONDITION TO OBTAIN A PRESCRIPTION DRUG UNDER THIS SUBSECTION FOR TREATMENT OF THAT DISEASE OR CONDITION.~~

~~(4) (1) AT LEAST 90 DAYS BEFORE SUBSTITUTING ANOTHER PRESCRIPTION DRUG FOR A PRESCRIPTION DRUG IN ITS FORMULARY, AN ENTITY SUBJECT TO THIS SECTION SHALL NOTIFY ANY MEMBER AFFECTED BY THE SUBSTITUTION, IF THE SUBSTITUTION IS THE RESULT OF FINANCIAL INCENTIVES, INCLUDING REBATES, OFFERED TO THE ENTITY.~~

~~(2) AN ENTITY SUBJECT TO THIS SECTION MAY NOT LIMIT OR EXCLUDE COVERAGE FOR A PRESCRIPTION DRUG PRESCRIBED FOR A MEMBER IF:~~

~~(A) THE PRESCRIPTION DRUG WAS PRESCRIBED BY AN AUTHORIZED PRESCRIBER FOR A DISEASE OR CONDITION OF THE MEMBER UNDER A PRIOR HEALTH INSURANCE PLAN OF THE MEMBER'S EMPLOYER, AND~~

~~(B) AN AUTHORIZED PRESCRIBER CONTINUES TO PRESCRIBE THE PRESCRIPTION DRUG FOR THE MEMBER FOR TREATMENT OF THAT DISEASE OR CONDITION.~~

~~(3) (1) IF PRESCRIBED FOR A MEMBER BY AN AUTHORIZED PRESCRIBER, AN ENTITY SUBJECT TO THIS SECTION SHALL PROVIDE COVERAGE FOR A NEW PRESCRIPTION DRUG APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION FOR AT LEAST 1 YEAR FROM THE FIRST DAY OF SALE OF THE DRUG AFTER APPROVAL BY THE ADMINISTRATION.~~