

House File 447 - Introduced

HOUSE FILE 447

BY McKEAN and JAMES

A BILL FOR

1 An Act relating to the dispensing of insulin in emergency
2 situations, and providing for insurance coverage.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 155A.29, Code 2019, is amended to read
2 as follows:

3 **155A.29 Prescription refills.**

4 1. Except as specified in subsection 2 or 3, a prescription
5 for any prescription drug or device which is not a controlled
6 substance shall not be filled or refilled more than eighteen
7 months after the date on which the prescription was issued and
8 a prescription which is authorized to be refilled shall not be
9 refilled more than twelve times.

10 2. A pharmacist may exercise professional judgment by
11 refilling a prescription without prescriber authorization if
12 all of the following are true:

13 a. The pharmacist is unable to contact the prescriber after
14 reasonable ~~effort~~ efforts.

15 b. Failure to refill the prescription might result in
16 an interruption of therapeutic regimen or create patient
17 suffering.

18 c. The pharmacist informs the patient or the patient's
19 representative at the time of dispensing, and the practitioner
20 at the earliest convenience that prescriber reauthorization is
21 required.

22 ~~3.~~ d. Prescriptions may be refilled once pursuant to
23 subsection 2 for a period of time reasonably necessary for the
24 pharmacist to secure prescriber authorization.

25 3. a. In addition to the authorization for a pharmacist to
26 refill a prescription without prescriber authorization pursuant
27 to subsection 2, a pharmacist may exercise professional
28 judgment and refill a prescription for and dispense insulin
29 without prescriber authorization if all of the following
30 conditions are met:

31 (1) The pharmacy has a record of the patient's expired
32 prescription.

33 (2) The pharmacist is unable to contact the prescriber after
34 reasonable efforts.

35 (3) The insulin is essential to the health of the patient

1 and the patient will be harmed if the insulin is not dispensed.

2 b. The pharmacist may dispense insulin pursuant to this
3 subsection in an amount not to exceed a thirty-day supply and
4 only once in a twelve-month period.

5 4. An authorization to refill a prescription drug order
6 shall be transmitted to a pharmacy by a prescriber or the
7 prescriber's authorized agent pursuant to [section 155A.27](#),
8 except that prescription drug orders for controlled substances
9 shall be transmitted pursuant to [section 124.308](#), and, if not
10 transmitted directly by the practitioner, shall also include
11 the name and title of the practitioner's agent completing the
12 transmission.

13 **Sec. 2. NEW SECTION. 514C.18A Insulin coverage.**

14 1. Notwithstanding the uniformity of treatment requirements
15 of section 514C.6, a policy or contract providing for
16 third-party payment or prepayment of insulin when prescribed
17 by a practitioner as defined in section 155A.3, shall provide
18 coverage for insulin dispensed without authorization pursuant
19 to section 155A.29, subsection 3, for an amount not to exceed a
20 thirty-day supply and only once in a twelve-month period.

21 2. a. This section applies to the following classes of
22 third-party payment provider contracts or policies delivered,
23 issued for delivery, continued, or renewed in this state on or
24 after July 1, 2019:

25 (1) Individual or group accident and sickness insurance
26 providing coverage on an expense-incurred basis.

27 (2) An individual or group hospital or medical service
28 contract issued pursuant to chapter 509, 514, or 514A.

29 (3) An individual or group health maintenance organization
30 contract regulated under chapter 514B.

31 (4) Any other entity engaged in the business of insurance,
32 risk transfer, or risk retention, which is subject to the
33 jurisdiction of the commissioner.

34 (5) A plan established pursuant to chapter 509A for public
35 employees.

1 *b.* This section shall not apply to accident-only,
2 specified disease, short-term hospital or medical, hospital
3 confinement indemnity, credit, dental, vision, Medicare
4 supplement, long-term care, basic hospital and medical-surgical
5 expense coverage as defined by the commissioner, disability
6 income insurance coverage, coverage issued as a supplement
7 to liability insurance, workers' compensation or similar
8 insurance, or automobile medical payment insurance.

9

EXPLANATION

10 The inclusion of this explanation does not constitute agreement with
11 the explanation's substance by the members of the general assembly.

12 This bill provides that in addition to existing provisions
13 relating to the refilling of a prescription without prescriber
14 authorization, a pharmacist may exercise professional judgment
15 and refill a prescription for and dispense insulin without
16 prescriber authorization if the pharmacy has a record of the
17 patient's expired prescription, the pharmacist is unable
18 to contact the prescriber after reasonable efforts, and
19 the insulin is essential to the health of the patient and
20 the patient will be harmed if the insulin is not dispensed.
21 Under these conditions, a pharmacist may dispense insulin in
22 an amount not to exceed a 30-day supply and only once in a
23 12-month period.

24 The bill also provides that a policy or contract providing
25 for third-party payment or prepayment of insulin when
26 prescribed by a practitioner shall also provide coverage for
27 insulin dispensed without authorization as provided in the
28 bill, for an amount not to exceed a 30-day supply, once in a
29 12-month period.