

# **WEST VIRGINIA LEGISLATURE**

## **2018 REGULAR SESSION**

**Introduced**

### **Senate Bill 473**

BY SENATORS TAKUBO, OJEDA, STOLLINGS, BALDWIN,

AND CLINE

[Introduced February 2, 2018; Referred  
to the Committee on Health and Human Resources]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §5-16-7b; to amend said code by adding thereto a new section, designated  
 3 §9-5-20a; to amend said code by adding thereto a new section, designated §33-24-7q; to  
 4 amend said code by adding thereto a new section, designated §33-25-8n; and to amend  
 5 said code by adding thereto a new section, designated §33-25A-8p, all relating to requiring  
 6 insurance coverage for the prescription drug Varenicline; prohibiting insurance plans from  
 7 requiring use of other methods or prescriptions prior to coverage for Varenicline; placing  
 8 similar requirements on the Public Employees Insurance Agency; placing similar  
 9 requirements upon the state Medicaid program; allowing a generic alternative, should one  
 10 become available; and allowing health care providers to provide other medically  
 11 appropriate prescription drugs.

*Be it enacted by the Legislature of West Virginia:*

**CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE  
 GOVERNOR, SECRETARY OF STATE AND ATTORNEY GENERAL;  
 BOARD OF PUBLIC WORKS; MISCELLANEOUS AGENCIES,  
 COMMISSIONS, OFFICES, PROGRAMS, ETC.**

**ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES INSURANCE ACT.**

**§5-16-7b. Required coverage for smoking cessation drug.**

1 (a) The plan shall provide for the coverage of the prescription drug varenicline for smoking  
 2 cessation without placing upon the participant or beneficiary restrictions by the health plan insurer  
 3 or utilization organization to have attempted to use other methods of smoking cessation or  
 4 prescription drugs if in the medical judgment of the participant or beneficiary’s health care provider  
 5 the use of varenicline is the best medical alternative for success and is in the best interest of the  
 6 patient based upon medical appropriateness.

- 7           (b) This section may not be construed to prevent:
- 8           (1) A health plan issuer or utilization review organization from requiring a patient to try a
- 9 generic equivalent should one become available prior to providing coverage for varenicline.
- 10           (2) A health care provider from prescribing any other prescription drug that is determined
- 11 to be medically appropriate.

**CHAPTER 9. HUMAN SERVICES.**

**ARTICLE 5. MISCELLANEOUS PROVISIONS.**

**§9-5-20a. Required coverage for smoking cessation drug.**

1           (a) Any enrollee in the state Medicaid program who is eligible for services and who has a  
2 prescription from a prescriber licensed pursuant to chapter 30 of this code shall receive coverage  
3 for the prescription drug varenicline for smoking cessation without placing upon the enrollee  
4 restrictions to have attempted to use other methods of smoking cessation or prescription drugs if  
5 in the medical judgment of the enrollee’s health care provider the use of varenicline is the best  
6 medical alternative for success and is in the best interest of the patient based upon medical  
7 appropriateness.

- 8           (b) This section may not be construed to prevent:
- 9           (1) The state Medicaid program from requiring a patient to try a generic equivalent should
- 10 one become available prior to providing coverage for varenicline.
- 11           (2) A health care provider from prescribing any other prescription drug that is determined
- 12 to be medically appropriate.

**CHAPTER 33. INSURANCE.**

**ARTICLE 24. HOSPITAL SERVICE CORPORATIONS, MEDICAL SERVICE CORPORATIONS, DENTAL SERVICE CORPORATIONS AND HEALTH SERVICE CORPORATIONS.**

**§33-24-7q. Required coverage for smoking cessation drug.**

1       (a) A contract, plan or agreement issued by an insurer pursuant to this article shall provide  
2 for the coverage of the prescription drug varenicline for smoking cessation without placing upon  
3 the participant or beneficiary restrictions by the insurer or utilization organization to have  
4 attempted to use other methods of smoking cessation or prescription drugs if in the medical  
5 judgment of the participant or beneficiary's health care provider the use of varenicline is the best  
6 medical alternative for success and is in the best interest of the patient based upon medical  
7 appropriateness.

8       (b) This section may not be construed to prevent:

9       (1) An issuer or utilization review organization from requiring a patient to try a generic  
10 equivalent should one become available prior to providing coverage for varenicline.

11       (2) A health care provider from prescribing any other prescription drug that is determined  
12 to be medically appropriate.

## **ARTICLE 25. HEALTH CARE CORPORATIONS.**

### **§33-25-8n. Required coverage for smoking cessation drug.**

1       (a) A contract, plan or agreement issued by an insurer pursuant to this article shall provide  
2 for the coverage of the prescription drug varenicline for smoking cessation without placing upon  
3 the participant or beneficiary restrictions by the insurer or utilization organization to have  
4 attempted to use other methods of smoking cessation or prescription drugs if in the medical  
5 judgment of the participant or beneficiary's health care provider the use of varenicline is the best  
6 medical alternative for success and is in the best interest of the patient based upon medical  
7 appropriateness.

8       (b) This section may not be construed to prevent:

9       (1) An issuer or utilization review organization from requiring a patient to try a generic  
10 equivalent should one become available prior to providing coverage for varenicline.

11       (2) A health care provider from prescribing any other prescription drug that is determined  
12 to be medically appropriate.

**ARTICLE 25A. HEALTH MAINTENANCE ORGANIZATION ACT.**

**§33-25A-8p. Required coverage for smoking cessation drug.**

1           (a) A contract, plan or agreement issued by an insurer pursuant to this article shall provide  
2 for the coverage of the prescription drug varenicline for smoking cessation without placing upon  
3 the participant or beneficiary restrictions by the insurer or utilization organization to have  
4 attempted to use other methods of smoking cessation or prescription drugs if in the medical  
5 judgment of the participant or beneficiary’s health care provider the use of varenicline is the best  
6 medical alternative for success and is in the best interest of the patient based upon medical  
7 appropriateness.

8           (b) This section may not be construed to prevent:

9           (1) An issuer or utilization review organization from requiring a patient to try a generic  
10 equivalent should one become available prior to providing coverage for varenicline.

11           (2) A health care provider from prescribing any other prescription drug that is determined  
12 to be medically appropriate.

NOTE: The purpose of this bill is to require insurance coverage for the prescription drug varenicline. The bill prohibits insurance plans from requiring use of other methods or prescriptions prior to coverage for varenicline. The bill places similar requirements on the Public Employees Insurance Agency. The bill places similar requirements upon the state Medicaid program. The bill allows a generic alternative should one become available and allows health care providers to provide other medically appropriate prescription drugs.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.