

ASSEMBLY BILL NO. 172—ASSEMBLYMEN OHRENSCHALL, LEE, CHOWNING, CLABORN, CARPENTER, NEIGHBORS, MANENDO, PRICE, COLLINS, PARKS, GIUNCHIGLIANI, WILLIAMS, ARBERRY, ANDERSON, BACHE, KOIVISTO, MCCLAIN, MORTENSON, DE BRAGA, HUMKE, BERMAN, SEGERBLOM AND GIBBONS

FEBRUARY 9, 1999

Referred to Committee on Commerce and Labor

SUMMARY—Requires managed care organization to cover certain services provided to person at hospital after he receives emergency services and requires pharmacy to fill a prescription for a drug by its brand name upon request. (BDR 57-976)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

~

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

AN ACT relating to health care; requiring a managed care organization to cover certain services provided to a person at a hospital after he receives emergency services; requiring a pharmacy to fill a prescription for a drug by its brand name upon request; and providing matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Chapter 695G of NRS is hereby amended by adding
2 thereto a new section to read as follows:
3 ***1. If a physician recommends that an insured who received medically***
4 ***necessary emergency services at a hospital remain in the hospital for***
5 ***observation or to receive additional treatment after the insured becomes***
6 ***stable, the managed care organization shall provide coverage for the***
7 ***additional stay and treatment if:***
8 ***(a) The physician, insured or a person designated by either of them***
9 ***contacts the managed care organization in the manner required in the***
10 ***health care plan of the insured to receive authorization; and***
11 ***(b) The managed care organization does not affirmatively deny***
12 ***coverage for the additional stay or treatment.***

1 2. *If a managed care organization does not immediately affirmatively*
2 *deny coverage for the additional stay and treatment when contacted*
3 *pursuant to subsection 1, the managed care organization shall provide*
4 *coverage for any additional stay and treatment provided to the insured*
5 *before the managed care organization has affirmatively denied coverage.*

6 3. *A health care plan subject to the provisions of this section that is*
7 *delivered, issued for delivery or renewed on or after October 1, 1999, has*
8 *the legal effect of including the coverage required by this section, and*
9 *any provision of the plan or the renewal which is in conflict with this*
10 *section is void.*

11 4. *As used in this section, "medically necessary emergency services"*
12 *has the meaning ascribed to it in subsection 3 of NRS 695G.170.*

13 **Sec. 2.** NRS 639.2583 is hereby amended to read as follows:

14 639.2583 ~~HH~~

15 1. *Except as otherwise provided in subsection 2, if* a practitioner has
16 *prescribed a drug by brand name and has not indicated that a substitution is*
17 *prohibited, a pharmacist:*

18 ~~1-1~~ (a) *Shall, in a case where he is being paid for the drug by a*
19 *governmental agency; and*

20 ~~1-2~~ (b) *May, in any other case,*
21 *fill the prescription with another drug which is available to him, is less*
22 *expensive than the drug prescribed, is biologically equivalent, has the same*
23 *active ingredient or ingredients of the same strength, quantity and form of*
24 *dosage and is of the same generic type as the drug prescribed. The*
25 *pharmacist may also make such a substitution if the prescription was*
26 *written by a practitioner from outside this state and indicates that a*
27 *substitution may be made.*

28 2. *If the person presenting the prescription to a pharmacist requests*
29 *to have the prescription filled with the drug under its brand name, the*
30 *pharmacist shall fill the prescription with the drug under its brand name*
31 *or, if unavailable, order the drug for the person under its brand name. If*
32 *the drug under its brand name is more expensive than the substitution,*
33 *the pharmacy may charge the person the amount of the difference in the*
34 *cost.*