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LC01582/SUB A  
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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2006**

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A N A C T

RELATING TO INSURANCE -- TOBACCO CESSATION COVERAGE

Introduced By: Representative Richard W. Singleton

Date Introduced: February 16, 2006

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1           SECTION 1. Chapter 27-18 of the General Laws entitled "Accident and Sickness  
2 Insurance Policies" is hereby amended by adding thereto the following section:

3           **27-18-65. Tobacco cessation programs. – (1) Every individual or group health**  
4 **insurance contract, plan or policy delivered, issued for delivery or renewed in this state on or after**  
5 **January 1, 2007, which provides medical coverage that includes coverage for physician services**  
6 **in a physician's office, and every policy which provides major medical or similar comprehensive-**  
7 **type coverage, shall include coverage for smoking cessation treatment, provided that if such**  
8 **medical coverage does not include prescription drug coverage, such contract, plan or policy shall**  
9 **not be required to include coverage for prescription nicotine replacement therapy.**

10           **(2) As used in this section, smoking cessation treatment includes the use of an over-the-**  
11 **counter (OTC) or prescription US Food and Drug Administration (FDA) approved nicotine**  
12 **replacement therapy, when recommended and prescribed by a prescriber who holds prescriptive**  
13 **privileges in the state in which they are licensed, and used in combination with an annual**  
14 **outpatient benefit of eight (8) one-half (1/2) hour smoking cessation counseling sessions provided**  
15 **by a qualified practitioner for each covered individual. Smoking cessation treatment may be**  
16 **further defined through regulation promulgated by the health insurance commissioner.**

17           **(3) Health insurance contracts, plans, or policies to which this section applies, may**  
18 **impose copayments and/or deductibles for the benefits mandated by this section consistent with**  
19 **the contracts', plans' or policies' copayments and/or deductibles for physician services and**

1 medications. Nothing contained in this section shall impact the reimbursement, medical necessity  
2 or utilization review, managed care, or case management practices of these health insurance  
3 contracts, plans or policies.

4 (4) This section shall not apply to insurance coverage providing benefits for:

5 (a) hospital confinement indemnity;

6 (b) disability income;

7 (c) accident only;

8 (d) long-term care;

9 (e) Medicare supplement;

10 (f) limited benefit health;

11 (g) specified disease indemnity;

12 (h) sickness or bodily injury or death by accident or both; and

13 (i) other limited benefit policies.

14 SECTION 2. Chapter 27-19 of the General Laws entitled "Nonprofit Hospital Service  
15 Corporations" is hereby amended by adding thereto the following section:

16 **27-19-56. Tobacco cessation programs. -- (1) Every individual or group health**  
17 insurance contract, plan or policy delivered, issued for delivery or renewed in this state on or after  
18 January 1, 2007, which provides medical coverage that includes coverage for physician services  
19 in a physician's office, and every policy which provides major medical or similar comprehensive-  
20 type coverage, shall include coverage for smoking cessation treatment, provided that if such  
21 medical coverage does not include prescription drug coverage, such contract, plan or policy shall  
22 not be required to include coverage for prescription nicotine replacement therapy.

23 (2) As used in this section, smoking cessation treatment includes the use of an over-the-  
24 counter (OTC) or prescription US Food and Drug Administration (FDA) approved nicotine  
25 replacement therapy, when recommended and prescribed by a prescriber who holds prescriptive  
26 privileges in the state in which they are licensed, and used in combination with an annual  
27 outpatient benefit of eight (8) one-half (1/2) hour smoking cessation counseling sessions provided  
28 by a qualified practitioner for each covered individual. Smoking cessation treatment may be  
29 further defined through regulation promulgated by the health insurance commissioner.

30 (3) Health insurance contracts, plans, or policies to which this section applies, may  
31 impose copayments and/or deductibles for the benefits mandated by this section consistent with  
32 the contracts', plans' or policies' copayments and/or deductibles for physician services and  
33 medications. Nothing contained in this section shall impact the reimbursement, medical necessity  
34 or utilization review, managed care, or case management practices of these health insurance

1 contracts, plans or policies.

2 (4) This section shall not apply to insurance coverage providing benefits for:

3 (a) hospital confinement indemnity;

4 (b) disability income;

5 (c) accident only;

6 (d) long-term care;

7 (e) Medicare supplement;

8 (f) limited benefit health;

9 (g) specified disease indemnity;

10 (h) sickness or bodily injury or death by accident or both; and

11 (i) other limited benefit policies.

12 SECTION 3. Chapter 27-20 of the General Laws entitled "Nonprofit Medical Service  
13 Corporations" is hereby amended by adding thereto the following section:

14 **27-20-51. Tobacco cessation programs. -- (1) Every individual or group health**  
15 **insurance contract, plan or policy delivered, issued for delivery or renewed in this state on or after**  
16 **January 1, 2007, which provides medical coverage that includes coverage for physician services**  
17 **in a physician's office, and every policy which provides major medical or similar comprehensive-**  
18 **type coverage, shall include coverage for smoking cessation treatment, provided that if such**  
19 **medical coverage does not include prescription drug coverage, such contract, plan or policy shall**  
20 **not be required to include coverage for prescription nicotine replacement therapy.**

21 **(2) As used in this section, smoking cessation treatment includes the use of an over-the-**  
22 **counter (OTC) or prescription US Food and Drug Administration (FDA) approved nicotine**  
23 **replacement therapy, when recommended and prescribed by a prescriber who holds prescriptive**  
24 **privileges in the state in which they are licensed, and used in combination with an annual**  
25 **outpatient benefit of eight (8) one-half (1/2) hour smoking cessation counseling sessions provided**  
26 **by a qualified practitioner for each covered individual. Smoking cessation treatment may be**  
27 **further defined through regulation promulgated by the health insurance commissioner.**

28 **(3) Health insurance contracts, plans, or policies to which this section applies, may**  
29 **impose copayments and/or deductibles for the benefits mandated by this section consistent with**  
30 **the contracts', plans' or policies' copayments and/or deductibles for physician services and**  
31 **medications. Nothing contained in this section shall impact the reimbursement, medical necessity**  
32 **or utilization review, managed care, or case management practices of these health insurance**  
33 **contracts, plans or policies.**

34 **(4) This section shall not apply to insurance coverage providing benefits for:**

- 1           (a) hospital confinement indemnity;
- 2           (b) disability income;
- 3           (c) accident only;
- 4           (d) long-term care;
- 5           (e) Medicare supplement;
- 6           (f) limited benefit health;
- 7           (g) specified disease indemnity;
- 8           (h) sickness or bodily injury or death by accident or both; and
- 9           (i) other limited benefit policies.

10           SECTION 4. Chapter 27-41 of the General Laws entitled "Health Maintenance  
11 Organizations" is hereby amended by adding thereto the following section:

12           **27-41-69. Tobacco cessation programs.** -- (1) Every individual or group health  
13 insurance contract, plan or policy delivered, issued for delivery or renewed in this state on or after  
14 January 1, 2007, which provides medical coverage that includes coverage for physician services  
15 in a physician's office, and every policy which provides major medical or similar comprehensive-  
16 coverage, shall include coverage for smoking cessation treatment, provided that if such  
17 medical coverage does not include prescription drug coverage, such contract, plan or policy shall  
18 not be required to include coverage for prescription nicotine replacement therapy.

19           (2) As used in this section, smoking cessation treatment includes the use of an over-the-  
20 counter (OTC) or prescription US Food and Drug Administration (FDA) approved nicotine  
21 replacement therapy, when recommended and prescribed by a prescriber who holds prescriptive  
22 privileges in the state in which they are licensed, and used in combination with an annual  
23 outpatient benefit of eight (8) one-half (1/2) hour smoking cessation counseling sessions provided  
24 by a qualified practitioner for each covered individual. Smoking cessation treatment may be  
25 further defined through regulation promulgated by the health insurance commissioner.

26           (3) Health insurance contracts, plans, or policies to which this section applies, may  
27 impose copayments and/or deductibles for the benefits mandated by this section consistent with  
28 the contracts', plans' or policies' copayments and/or deductibles for physician services and  
29 medications. Nothing contained in this section shall impact the reimbursement, medical necessity  
30 or utilization review, managed care, or case management practices of these health insurance  
31 contracts, plans or policies.

32           (4) This section shall not apply to insurance coverage providing benefits for:

- 33           (a) hospital confinement indemnity;
- 34           (b) disability income;

- 1           (c) accident only;
- 2           (d) long-term care;
- 3           (e) Medicare supplement;
- 4           (f) limited benefit health;
- 5           (g) specified disease indemnity;
- 6           (h) sickness or bodily injury or death by accident or both; and
- 7           (i) other limited benefit policies.
- 8           SECTION 5. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO INSURANCE -- TOBACCO CESSATION COVERAGE

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- 1           This act would provide that every insurance policy which provides medical coverage for
- 2 physician services in a physician's office, and every policy which provides major medical or
- 3 similar comprehensive-type coverage, would include coverage for smoking cessation treatment.
- 4           This act would take effect upon passage.

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