



February 29, 2024

The Honorable Susan R. Donovan
Chairperson, House Committee on Health and Human Services
Rhode Island State House
82 Smith Street
Providence, RI 02903

RE: H-7445 – AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- PHARMACIES

Dear Chairperson Donovan:

I write on behalf of the Office of the Health Insurance Commissioner (OHIC) regarding [House Bill 7445](#) to provide some technical legislative suggestions. Proposed subsections (h), (j) and (k) of proposed RIGL § 5-19.1-36 specifically seek to amend Rhode Island law governing health insurance carriers and therefore do not belong under Title 5, which governs pharmacies. Similarly, the placement of legislative requirements applicable to EOHHS (proposed RIGL §§ 27-18-95(d), 27-19-87(d), 27-20-83(d), 27-41-100(d)) should be placed under the appropriate chapter and title governing Medicaid plans as opposed to under Title 27, which governs commercial insurance.

This bill's proposed new sections to Title 27, specifically proposed RIGL § 27-18-95 (and the similar proposed sections to be added to RIGL §§ 27-19, 27-20, 27-41), seek to create a new state benefit mandate relating to coverage for tobacco cessation drug therapies. However, OHIC notes that RIGL §§ 27-18-66, 27-19-57, 27-20-53 and 27-41-70 presently set forth the pre-ACA state benefit mandate for the coverage of tobacco cessation programs (the ACA also requires coverage of tobacco cessation services as a preventative service under federal law). Putting aside the issue of coverage when provided by a pharmacist, the tobacco cessation coverage mandates currently required by state and federal law are not as broadly written as House Bill 7445 in terms of the scope of covered services or the scope of types of health insurance policies the new mandates would be applicable to. To better ensure legislative clarity and enforceability, OHIC recommends the amendment of existing RIGL §§ 27-18-66, 27-19-57, 27-20-53, and 27-41-70 in lieu of enacting new language under Title 5 and the proposed new sections under Title 27 on the topic of mandated coverage for tobacco cessation drug therapies.

Proposed subsection (h) of RIGL §5-19.1-36 refers to "tobacco cessation drug therapies." whereas subsection (j) differently references "tobacco cessation devices, products, and services." OHIC recommends additional clarification of the parameters of these new coverage mandates, as well as clarification to the scope of insurance plans subject to the mandate.

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Thank you for your continued leadership and hard work on all matters related to the health of Rhode Islanders.

Sincerely,



Cory B. King
Acting Health Insurance Commissioner

CC: Honorable Members of the House Committee on Health and Human Services
Honorable Teresa A. Tanzi
Nicole McCarty, Esquire, Chief Legal Counsel to the Speaker of the House