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BULLETIN NO. 21-10

TO: ALL HEALTH INSURANCE COMPANIES, HEALTH MAINTENANCE ORGANIZATIONS, HEALTH SERVICE CORPORATIONS AND ANY OTHER ENTITY ISSUING HEALTH BENEFITS OR PRESCRIPTION DRUG PLANS IN THIS STATE

FROM: MARLENE CARIDE, COMMISSIONER

RE: EARLY PRESCRIPTION DRUG REFILLS AND WAIVER OF 90-DAY SUPPLY LIMITS FOR CONSUMERS AFFECTED BY TROPICAL STORM IDA

The purpose of this Bulletin is to provide guidance to all health insurance companies, health maintenance organizations, health service corporations and other entities issuing health benefits or prescription drug plans in this State (collectively “carriers”) as the State responds to Tropical Storm Ida. Ida has destroyed and damaged homes, furnishings and automobiles, as well as, restricted access to dwellings. N.J.S.A. 26:2S-37 requires that carriers provide coverage of prescription drug refills even when the covered person has not yet reached the scheduled refill date, when the State Government declares a state of emergency and the Commissioner determines that an emergency supply of prescription drugs is necessary. N.J.S.A. 26:2S-37. On September 1, 2021, Governor Phil Murphy issued Executive Order No. 259, declaring a state of emergency and empowering certain agencies of the State Government to act in response to Tropical Storm Ida. Exec. Order No. 259 (September 1, 2021). Accordingly, the Department is hereby requiring that carriers relax restrictions relating to prescription drug coverage for persons who cannot access previously filled prescription medications.

Carriers must allow covered persons affected by Ida to obtain coverage of prescription drug refills as necessary, notwithstanding any plan terms and conditions to the contrary, and to permit coverage of prescription drugs in excess of a 90-day supply. With respect to lost or destroyed medications, coverage must be made available through early refills and relaxed quantity limits. The Department is requiring that carriers lift fill restrictions where appropriate, while also taking into consideration patient safety risks for certain drug classes, such as opioids, benzodiazepines and stimulants.

Carriers must also relax prior authorization requirements for persons affected by Ida and provide flexibility concerning the use or preferential cost sharing applied to prescriptions filled via mail order as opposed to prescriptions obtained from retail pharmacies.

The Department expects carriers to promptly communicate this information to covered persons.

09/10/2021
Date


Marlene Caride
Commissioner

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