

Secretary of the State File Number

6424

Regulation of the

Connecticut Insurance Department
Concerning

Notice to Insureds Regarding Formulary Changes

Regulations adopted after July 1, 2013, become effective upon posting to the Connecticut eRegulations System, or at a later date if specified within the regulation.

Posted to the Connecticut eRegulations System on **December 12, 2024**

EFFECTIVE DATE

December 12, 2024

Approved by the Attorney General on

September 20, 2024

Approved by the Legislation Regulation Review Committee on

November 26, 2024

Electronic copy with agency head certification statement electronically submitted to and received by the Office of the Secretary of the State on

December 5, 2024

Form ICM-ECOPY (NEW 6/2015)
State of Connecticut
Secretary of the State



IMPORTANT NOTICE FOR CONNECTICUT STATE AGENCIES
This form should be used only for regulations first noticed *on and after March 23, 2015*.

Electronic Copy Certification Statement

(Submitted in accordance with the provisions of section 4-172 of the Connecticut General Statutes)

Regulation of the
Insurance Department
Concerning
Notice to Insureds Regarding Formulary Change

Approved by the Legislative Regulation Review Committee: **November 26, 2024**

eRegulations System Tracking Number: **PR-2024-015**

I hereby certify that the electronic copy of the above-referenced regulation submitted herewith to the Secretary of the State is a true and accurate copy of the regulation approved in accordance with sections 4-169 and 4-170 of the *Connecticut General Statutes*.

And I further certify that in accordance with the approval of Legislative Regulation Review Committee, all required technical corrections, page substitutions and deletions, if any, have been incorporated into said regulation.

In testimony whereof, I have hereunto
set my hand on **December 4, 2024**.

A handwritten signature in blue ink, appearing to read "A. Mais", written over a horizontal line.

Andrew N. Mais

Commissioner

Insurance Department

Connecticut Insurance Department
Regulation Concerning

Notice to Insureds Regarding Formulary Changes

Section 1. Section 38a-481-1 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 38a-481-1. Definitions

As used in Sections 38a-481-1 to [38a-481-13] 38a-481-12, inclusive, of the Regulations of Connecticut State Agencies, unless the context otherwise requires:

- (1) "Commissioner" means the Insurance Commissioner of the State of Connecticut.
- (2) "Department" means the Connecticut Insurance Department.
- (3) "Excessive rate" means the rate is unreasonably high for the "insurance provided.
- (4) "Experience period" means the most recent twelve (12) month period from which the insurer accumulates the data to support a rate filing.
- (5) "Form" means a policy of insurance against loss or expense from sickness, or from bodily injury or death by accident, or application, rider or endorsement used in connection therewith.
- (6) "Formulary" means a list of prescription drugs that are covered by a specific health insurance plan.
- (7) "Inadequate rate" means a rate that is unreasonably low for the insurance provided, and continued use of it would endanger solvency of the insurer.
- (8) "Insurer" means a health care center, as defined in Section 38a-175 of the Connecticut General Statutes, or an insurance company licensed by the Commissioner to write accident and health insurance.
- (9) "Loss ratio" has the same meaning as provided in Section 38a-481(a) of the Connecticut General Statutes.
- (10) "Pharmaceutical and therapeutics committee" or "P&T committee" means a group of members that may include physicians, pharmacists, administrators, quality improvement managers, other health care professionals and staff appointed by an insurer to establish policies regarding the use of drugs, therapies and drug-related products, identifying those that are most medically appropriate.
- (11) "PPACA" means Patient Protection and Affordable Care Act, PL. 111-148, as amended from time to time, and regulations adopted thereunder.
- (12) "Prescription drug tier" means a subset of the drugs covered in a formulary that are covered and subject to a specified level of cost share.
- (13) "SERFF" means the National Association of Insurance Commissioners' System for Electronic Rate and Form Filing.

(14) "Specialty drug" means a unique prescription drug that may require special handling, close monitoring or may only be available from limited pharmacies.

(15) "Unfairly discriminatory" means rating practices that reflect differences based on age, disability, race, ethnicity, gender, sexual orientation or health status that are not actuarially justified or otherwise prohibited by law.

(16) "Utilization data" means the number of services used by a fixed number of covered persons, as defined in Section 38a-591a of the Connecticut General Statutes, over a fixed length of time.

Section 2. Sections 38a-481-13 and 38a-513-8 of the Regulations of Connecticut State Agencies are repealed.

Statement of purpose:

The purpose of this amendment is to repeal these two sections of the regulations. The passage of Public Act 21-96 and consequent implementation of Section 38a-477jj of the Connecticut General Statutes supersedes these regulations and renders them irrelevant.

IMPORTANT NOTICE FOR CONNECTICUT STATE AGENCIES

This form is to be used for proposed permanent and technical amendment regulations only and must be completed in full.

AGENCY CERTIFICATION

Connecticut Insurance Department

Proposed Regulation Concerning

Notice to Insureds Regarding Formulary Change

eRegulations System Tracking Number **PR2024-015**

I hereby certify the following:

(1) The above-referenced **regulation** is proposed pursuant to the following statutory authority or authorities: **Conn. Gen. Stat. §§ 38a-481 and 38a-513.**

For technical amendment regulations proposed without a comment period, complete #2 below, then skip to #8.

(2) As permitted by Section 4-168(h) of the *Connecticut General Statutes*, the agency elected to proceed without prior notice or hearing and posted the text of the proposed technical amendment regulation on eRegulations System website on **N/A.**

For all other non-emergency proposed regulations, complete #3 - #7 below, then complete #8)

(3) The agency posted notice of intent with a specified comment period of not less than 30 days to the eRegulations System website on **July 17, 2024.**

(4) (Complete one) ☒ No public hearing held or was required to be held. **OR** ☐ One or more public hearings were held on: **N/A.**

(5) The agency posted notice of decision to move forward with the proposed regulation to the eRegulations System website on **August 29, 2024.**

(6) (Complete one) ☒ No comments were received. **OR** ☐ Comments were received and the agency posted the statements specified in subdivisions (1) and (2) of CGS Section 4-168(e) to the eRegulations System website on **N/A.**

(7) The final wording of the proposed regulation was posted to the eRegulations System website on **July 17, 2024.**

(8) Subsequent to approval for legal sufficiency by the Attorney General and approval by the Legislative Regulation Review Committee, **the final regulation shall be effective**

(Check one and complete as applicable)

☒ When posted to the eRegulations System website by the Secretary of the State.

OR ☐ On _____

(Date must be a specific calendar date not less than 11 days after submission to the Secretary of the State)

SIGNED

*(Head of Board, Agency or Commission,
or duly authorized deputy)*

Insurance Commissioner

OFFICIAL TITLE

8/29/2024

DATE

OFFICE OF THE ATTORNEY GENERAL

REGULATION CERTIFICATION

Agency: Insurance Department

REGULATION NUMBER: PR2024-015

This Regulation is hereby **APPROVED** by the Attorney General as to legal sufficiency in accordance with Connecticut General Statutes § 4-169.

DATE: 9/20/2024

Signed: _____


Sean Kehoe

Associate Attorney General

Chief of the Division of Government Affairs

Duly Authorized

The Connecticut General Assembly

Legislative Regulation Review Committee

Senator John Kissel
Senate Chair



Representative Lucy Dathan
House Chair

Official Record of Committee Action

November 26, 2024

Agency:	Insurance Department
Description:	Notice to Insureds Regarding Formulary Change
LRRC Regulation Number:	2024-023
eRegulation Tracking Number:	PR2024-015

The above-referenced regulation has been

Approved with Technical Corrections

by the Legislative Regulation Review Committee in accordance
with CGS Section 4-170.

Catherine M. Thomas
Committee Administrator



State of Connecticut
Office of the Secretary of the State

Confirmation of Electronic Submission

Re: Regulation of the Connecticut Insurance Department concerning Notice to Insureds Regarding Formulary Changes
eRegulations System Tracking Number PR2024-015
Legislative Regulation Review Committee Docket Number 2024-023

The above-referenced regulation was electronically submitted to the Office of the Secretary of the State in accordance with Connecticut General Statutes Section 4-172 on December 5, 2024.

Said regulation is assigned Secretary of the State File Number 6424.

The effective date of this regulation is December 12, 2024.

A handwritten signature in blue ink, appearing to read "Stephanie Thomas".

Stephanie Thomas
Secretary of the State
December 12, 2024

By:

/s/ Christopher R. Drake
Christopher R. Drake
Director, Business Services
Division