

State of Idaho
DEPARTMENT OF INSURANCE

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BULLETIN NO. 20-02

DATE: April 6, 2020
TO: All Health Insurance Companies
FROM: Dean L. Cameron, Director
SUBJECT: Temporary Waiver of Certain Pharmacy Benefit Policy Requirements

The COVID-19 pandemic has created unprecedented challenges for health insurance carriers and their insureds. In order to minimize the need for in-person interactions, carriers have requested, and the Department is granting, regulatory flexibility regarding pharmacy benefits.

On March 13, 2020, Governor Little signed a proclamation declaring a state of emergency in Idaho due to the coronavirus pandemic, which states in part:

State agencies and departments are directed to utilize state resources and to do everything reasonably possible to assist affected political subdivisions in an effort to respond to and recover from the 2019 novel coronavirus (COVID-19).

State licensing agencies and departments are authorized to temporarily exercise enforcement discretion, implement temporary rules, and waive licensing and related requirements to maximize access to health care services and provider support in response to COVID-19.

The emergency proclamation has the force and effect of law. Idaho Code section 46-1008.

The Director of the Department of Health and Welfare issued an Order to Self-Isolate based on the COVID-19 emergency on March 25, 2020, which includes the directive for Idahoans to maintain a distance of six feet from people who are not part of one's household.

The Department finds that waiver of certain pharmacy benefit requirements will maximize healthcare access and assist the State of Idaho in its response efforts, by minimizing in-person pharmacy transactions, thereby potentially slowing the spread of the virus and alleviating subsequent demand on the healthcare system and responders. The waiver will also minimize the need for Idahoans to be within six feet of one another.

Therefore, pursuant to authority in Idaho Code section 41-210(2) and 41-210(5), the Department hereby authorizes health insurance carriers under Department jurisdiction to waive:

- Policy limitations on the number of pharmaceutical refills and early refills;
- Restrictions that would disallow coverage of a 90-day refill at a retail (as opposed to mail-order) setting, unless doing so would be inconsistent with an applicable prescription safety limits of the Social Security Act; and
- Requirements for in-person pharmacy signature logs as well as the associated signature audits by insurers or pharmacy benefit managers.

Health insurance carriers are encouraged to work with their pharmacy benefit managers to implement this guidance.

This Bulletin will remain in effect so long as the Governor's emergency proclamation remains in effect, including extensions and renewals.