

26-18-105 Drug prior approval program.

- (1) A drug prior approval program approved or implemented by the board shall meet the following conditions:
 - (a) except as provided in Subsection (2), a drug may not be placed on prior approval for other than medical reasons;
 - (b) the board shall hold a public hearing at least 30 days prior to placing a drug on prior approval;
 - (c) notwithstanding the provisions of Section 52-4-202, the board shall provide not less than 14 days' notice to the public before holding a public hearing under Subsection (1)(b);
 - (d) the board shall consider written and oral comments submitted by interested parties prior to or during the hearing held in accordance with Subsection (1)(b);
 - (e) the board shall provide evidence that placing a drug class on prior approval:
 - (i) will not impede quality of recipient care; and
 - (ii) that the drug class is subject to clinical abuse or misuse;
 - (f) the board shall reconsider its decision to place a drug on prior approval:
 - (i) no later than nine months after any drug class is placed on prior approval; and
 - (ii) at a public hearing with notice as provided in Subsection (1)(b);
 - (g) the program shall provide an approval or denial of a request for prior approval:
 - (i) by either:
 - (A) fax;
 - (B) telephone; or
 - (C) electronic transmission;
 - (ii) at least Monday through Friday, except for state holidays; and
 - (iii) within 24 hours after receipt of the prior approval request;
 - (h) the program shall provide for the dispensing of at least a 72-hour supply of the drug on the prior approval program:
 - (i) in an emergency situation; or
 - (ii) on weekends or state holidays;
 - (i) the program may be applied to allow acceptable medical use of a drug on prior approval for appropriate off-label indications; and
 - (j) before placing a drug class on the prior approval program, the board shall:
 - (i) determine that the requirements of Subsections (1)(a) through (i) have been met; and
 - (ii) by majority vote, place the drug class on prior approval.
- (2) The board may, only after complying with Subsections (1)(b) through (j), consider the cost:
 - (a) of a drug when placing a drug on the prior approval program; and
 - (b) associated with including, or excluding a drug from the prior approval process, including:
 - (i) potential side effects associated with a drug; or
 - (ii) potential hospitalizations or other complications that may occur as a result of a drug's inclusion on the prior approval process.

Amended by Chapter 205, 2010 General Session