

PREFERRED PRESCRIPTION DRUG LIST

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Allen M. Christensen

House Sponsor: James A. Dunnigan

LONG TITLE

General Description:

This bill amends the Medical Assistance Act of the Health Code.

Highlighted Provisions:

This bill:

- ▶ amends provisions related to the Medicaid drug program;
- ▶ deletes language related to the department study of drug programs in 2003 and the department report to the Executive Appropriations Committee in 2003;
- ▶ permits the department to develop a Medicaid drug program that may include placing some drugs on a preferred drug list; and
- ▶ requires the department to report on any drug program by August 2008.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26-18-2.4, as enacted by Chapter 324, Laws of Utah 2003

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **26-18-2.4** is amended to read:

26-18-2.4. Medicaid drug program.

(1) A Medicaid drug program developed by the department under Subsection 26-18-2.3

30 (2)(f):

31 (a) shall, notwithstanding Subsection 26-18-2.3(1)(b), be based on clinical and
32 cost-related factors which include medical necessity as determined by a provider in accordance
33 with administrative rules established by the Drug Utilization Review Board; ~~[and]~~

34 (b) may include therapeutic categories of drugs that may be exempted from the drug
35 program[-];

36 ~~[(2)(a)(i) The department shall study the Medicaid drug program for fiscal year
37 2003-04, but may not implement the program unless the department reports its findings and
38 recommendations, including any proposed rules to the Legislative Executive Appropriations
39 Committee and Legislative Management Committee at their August 2003 meeting, or if a
40 meeting is not held in August, at the September 2003 meeting, for their review and
41 recommendations.]~~

42 ~~[(ii) The Legislative Executive Appropriations Committee and Legislative
43 Management Committee shall review the Medicaid drug program proposed by the department
44 and may:]~~

45 ~~[(A) recommend that the department implement the drug program;]~~

46 ~~[(B) recommend that the department modify the drug program;]~~

47 ~~[(C) recommend that the department terminate the drug program; or]~~

48 ~~[(D) recommend to the governor that he call a special session of the Legislature to
49 review and approve the drug program.]~~

50 ~~[(b) The department may use the Medicaid drug program developed and approved
51 under Subsection (2)(a) in subsequent fiscal years.]~~

52 ~~[(3) The department shall report its findings and recommendations regarding the
53 Medicaid drug program to the Legislative Health and Human Services Interim Committee by
54 August 30, 2003, and to the Legislative Health and Human Services Appropriations
55 Subcommittee during the 2004 General Session.]~~

56 (c) may include placing some drugs, except psychotropic or anti-psychotic drugs, on a
57 preferred drug list to the extent determined appropriate by the department; and

58 (d) (i) except as prohibited by Subsections 58-17b-606(4) and (5), shall permit a health
59 care provider with prescriptive authority to override the restrictions of a preferred drug list
60 provided that the medical necessity for the override is documented in the patient's medical file
61 and by handwriting on the prescription "medically necessary - dispense as written"; and

62 (ii) shall not permit a health care provider with prescriptive authority to override the
63 restrictions of a preferred drug list with any preprinted instructions for dispense as written, or
64 no substitutions allowed.

65 (2) If the department implements a drug program under the provisions of Subsection
66 (1)(c), the department shall:

67 (a) determine the percentage of prescriptions that are paid for by the department which
68 are overrides to the preferred drug list under Subsection (1)(d)(i);

69 (b) include the information required by Subsection (2)(a) in the report required by
70 Subsection (2)(c); and

71 (c) report its findings regarding the drug program to the Legislative Health and Human
72 Services Interim Committee by August 30, 2008, and to the Legislative Health and Human
73 Services Appropriations Subcommittee during the 2009 General Session.