

**PREFERRED DRUG LIST REVISIONS**

2008 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Allen M. Christensen**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends the preferred drug list provisions of the Medical Assistance Act.

**Highlighted Provisions:**

This bill:

► clarifies which drugs used for the treatment of mental health may not be included on the preferred drug list for the state Medicaid program.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**26-18-2.4**, as last amended by Laws of Utah 2007, Chapter 385

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*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

(2)(f):

(a) shall, notwithstanding Subsection 26-18-2.3(1)(b), be based on clinical and



28 cost-related factors which include medical necessity as determined by a provider in accordance  
29 with administrative rules established by the Drug Utilization Review Board;

30 (b) may include therapeutic categories of drugs that may be exempted from the drug  
31 program;

32 (c) may include placing some drugs, except [~~psychotropic or anti-psychotic drugs~~] the  
33 drugs described in Subsection (3), on a preferred drug list to the extent determined appropriate  
34 by the department; and

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

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

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

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

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

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

51 (3) A preferred drug list developed under the provisions of this section may not include  
52 atypical antipsychotic drugs.

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**Legislative Review Note**  
**as of 12-12-07 2:51 PM**

**Office of Legislative Research and General Counsel**

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**S.B. 197 - Preferred Drug List Revisions**

**Fiscal Note**

2008 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations. To the extent that this Legislation allows more drugs to be included on the Preferred Drug List, the State may experience additional savings.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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