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S.B. 41
1st Sub. (Green)

Senator Peter C. Knudson proposes the following substitute bill:

DRUG UTILIZATION REVIEW BOARD AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Peter C. Knudson

House Sponsor: Ronda Rudd Menlove

LONG TITLE

General Description:

This bill amends the drug prior approval program within the state's Medicaid program.

Highlighted Provisions:

This bill:

- permits the Drug Utilization Review Board to consider costs, as well as other factors, when determining whether a drug should be placed on the prior approval program;
- amends notice requirements;
- amends number of days before implementation of a decision of the board;
- provides more discretion to the Drug Utilization Review Board to restrict the use of a drug for off label indications; and
- makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

1st Sub. S.B. 41

AMENDS:

26-18-105, as last amended by Laws of Utah 2006, Chapter 14

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

Section 1. Section **26-18-105** is amended to read:

26-18-105. Drug prior approval program.

[~~Any~~] (1) A drug prior approval program approved or implemented by the board shall meet the following conditions:

[~~(1) no drug may~~] (a) except as provided in Subsection (2), a drug may not be placed on prior approval for other than medical reasons;

[~~(2)~~] (b) the board shall hold a public hearing at least [~~90~~] 30 days prior to placing a drug on prior approval;

[~~(3)~~] (c) notwithstanding the provisions of Section 52-4-202, the board shall provide not less than [~~30~~] 14 days' notice to the public before holding a public hearing under Subsection [~~(2)~~] (1)(b);

[~~(4)~~] (d) the board shall consider written and oral comments submitted by interested parties prior to or during the hearing held in accordance with Subsection [~~(2)~~] (1)(b);

[~~(5)~~] (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:

[~~(6)~~] (i) no later than nine months after any drug class is placed on prior approval[~~, it shall be reconsidered in~~]; and

(ii) at a public hearing with notice as provided in Subsection [~~(3)~~] (1)(b);

[~~(7)~~] (g) the program shall provide [~~either telephone or fax~~] 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;

[~~(8)~~] (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;

[~~(9)~~] (i) the program may [~~not~~] be applied to [~~prevent~~] allow acceptable medical use of a drug on prior approval for appropriate off-label indications; and

[~~(10) any drug class placed on prior approval shall receive a majority vote by the board for that placement, after meeting the requirements described in Subsections (1) through (10).~~]

(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) Ĥ→ **[~~(a)~~]** ←Ĥ The board may, Ĥ→ **[~~when the board determines it is appropriate~~]** ←Ĥ Ĥ→ **only** ←Ĥ **after complying with Subsections (1)(b) through (j)** ←Ĥ , consider the cost:

Ĥ→ **[~~(i)~~] (a)** ←Ĥ of a drug when placing a drug on the prior approval program; and

Ĥ→ **[~~(ii)~~] (b)** ←Ĥ associated with including, or excluding a drug from the prior approval process, including:

Ĥ→ **[~~(A)~~] (i)** ←Ĥ potential side effects associated with a drug; or

Ĥ→ **[~~(B)~~] (ii)** ←Ĥ potential hospitalizations or other complications that may occur as a result of a drug's inclusion on the prior approval process.

Ĥ→ **[~~(b) If the board considers the cost of a drug under Subsection (2)(a), the provisions of Subsections (1)(b) through (j) apply.~~]** ←Ĥ