

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:



26 AMENDS:

27 **26-18-105**, as last amended by Laws of Utah 2006, Chapter 14



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

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

31 **26-18-105. Drug prior approval program.**

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

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

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

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

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

43 [~~(5)~~] (e) the board shall provide evidence that placing a drug class on prior approval:

44 (i) will not impede quality of recipient care; and

45 (ii) that the drug class is subject to clinical abuse or misuse;

46 (f) the board shall reconsider its decision to place a drug on prior approval:

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

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

50 [~~(7)~~] (g) the program shall provide [either telephone or fax] an approval or denial of a
51 request for prior approval:

52 (i) by either:

53 (A) fax;

54 (B) telephone; or

55 (C) electronic transmission;

56 (ii) at least Monday through Friday, except for state holidays; and

57 (iii) within 24 hours after receipt of the prior approval request;

58 ~~[(8)]~~ (h) the program shall provide for the dispensing of at least a 72-hour supply of the

59 drug on the prior approval program:

60 (i) in an emergency situation; or

61 (ii) on weekends or state holidays;

62 ~~[(9)]~~ (i) the program may ~~[not]~~ be applied to ~~[prevent]~~ allow acceptable medical use of

63 a drug on prior approval for appropriate off-label indications; and

64 ~~[(10) any drug class placed on prior approval shall receive a majority vote by the board~~

65 ~~for that placement, after meeting the requirements described in Subsections (1) through (10):]~~

66 (j) before placing a drug class on the prior approval program, the board shall:

67 (i) determine that the requirements of Subsections (1)(a) through (i) have been met;

68 and

69 (ii) by majority vote, place the drug class on prior approval.

70 (2) (a) The board may, when the board determines it is appropriate, consider the cost:

71 (i) of a drug when placing a drug on the prior approval program; and

72 (ii) associated with including, or excluding a drug from the prior approval process,

73 including:

74 (A) potential side effects associated with a drug; or

75 (B) potential hospitalizations or other complications that may occur as a result of a

76 drug's inclusion on the prior approval process.

77 (b) If the board considers the cost of a drug under Subsection (2)(a), the provisions of

78 Subsections (1)(b) through (j) apply.