

PHARMACEUTICAL AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Evan J. Vickers

House Sponsor: _____

LONG TITLE

General Description:

This bill addresses certain prescription drugs.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ prohibits a health insurer from taking certain actions with respect to a clinician-administered drug; and
- ▶ authorizes a physician to issue orders regarding methadone under certain circumstances.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

31A-22-658, Utah Code Annotated 1953

58-37-23, Utah Code Annotated 1953

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

Section 1. Section **31A-22-658** is enacted to read:



28 **31A-22-658. Provider administered drugs.**

29 (1) As used in this section:

30 (a) "Clinician-administered drug" means an outpatient prescription drug as defined in
31 Section 58-17b-102 that:

32 (i) cannot reasonably be self-administered by the patient to whom the drug is
33 prescribed or by an individual assisting the patient with self-administration;

34 (ii) is typically administered:

35 (A) by a health care provider; and

36 (B) in a physician's office or a health care facility as defined in Section 26-21-2; and

37 (iii) is not a vaccine.

38 (b) "Health insurer" means a person who offers health care insurance, including a
39 health maintenance organization as defined in Section 31A-8-101.

40 (c) "Participating provider" means a provider who, under a contract with a health
41 insurer, agrees to provide health care services to enrollees with an expectation of receiving
42 payment:

43 (i) directly or indirectly, from the health insurer; and

44 (ii) other than a copayment.

45 (2) A health insurer may not:

46 (a) refuse to authorize, approve, or pay a participating provider for providing an
47 enrollee with a clinician-administered drug or related service that is covered by the health
48 insurer;

49 (b) when an enrollee obtains a clinician-administered drug from a health care provider
50 or pharmacy:

51 (i) impose a coverage or benefit limitation on the enrollee; or

52 (ii) require the enrollee to pay an additional fee, a higher copay, price increase, or
53 increased cost sharing requirement;

54 (c) require a clinician-administered drug to be dispensed by a pharmacy selected by the
55 health insurer;

56 (d) for a clinician-administered drug that is not dispensed by a pharmacy selected by
57 the health insurer:

58 (i) limit or exclude coverage for the drug if the drug would otherwise be covered;

- 59 (ii) reimburse for the drug at a lower amount; or
- 60 (iii) if all criteria for medical necessity are met and the drug or a related service is
- 61 covered by the health insurer, condition, deny, restrict, refuse to authorize or approve, or reduce
- 62 payment to a participating provider for providing to an enrollee the drug or related services; or
- 63 (e) require a specialty pharmacy to dispense a clinician-administered drug directly to an
- 64 enrollee with the intention that the enrollee will transport the drug to a health care provider for
- 65 administration.

66 Section 2. Section **58-37-23** is enacted to read:

67 **58-37-23. Methadone orders authorized.**

68 (1) As used in this section:

- 69 (a) "Emergency medical order" means a medical order as defined in Section
- 70 58-17b-102 for up to a 72-hour supply of methadone.
- 71 (b) "General acute hospital" means the same as that term is defined in Section 26-21-2.
- 72 (c) "Qualified pharmacy" means a pharmacy that is located on the premises of a general

73 acute hospital that is licensed as a:

- 74 (i) class A pharmacy as defined in Section 58-17b-102; or
- 75 (ii) class B pharmacy as defined in Section 58-17b-102.
- 76 (d) "Qualified practitioner" means a practitioner who:

- 77 (i) is registered with the United States Drug Enforcement Administration to issue an
- 78 emergency medical order; and
- 79 (ii) is working at a general acute hospital.

80 (2) A qualified practitioner may issue an emergency medical order to a qualified

81 pharmacy to dispense up to a 72-hour supply of methadone on behalf of the qualified

82 practitioner:

- 83 (a) to relieve acute withdrawal symptoms while the qualified practitioner makes
- 84 arrangements to refer the patient for substance use disorder treatment; and
- 85 (b) in accordance with 21 C.F.R. Sec. 1306.07 and applicable regulation or guidance
- 86 issued by the United States Drug Enforcement Administration regarding an emergency medical
- 87 order.