

HOUSE BILL No. 4733

June 9, 2011, Introduced by Rep. Agema and referred to the Committee on Appropriations.

A bill to amend 1939 PA 280, entitled
"The social welfare act,"
by amending section 109h (MCL 400.109h), as added by 2004 PA 248.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 109h. ~~(1) If the department of community health develops~~
2 ~~a prior authorization process for prescription drugs as part of the~~
3 ~~pharmaceutical services offered under the medical assistance~~
4 ~~program administered under this act, it shall not require prior~~
5 ~~authorization for the following single source brand name, generic~~
6 ~~equivalent of a multiple source brand name, or other prescription~~
7 ~~drugs.~~

8 ~~— (a) A central nervous system prescription drug that is~~
9 ~~classified as an anticonvulsant, antidepressant, antipsychotic, or~~
10 ~~a noncontrolled substance antianxiety drug in a generally accepted~~
11 ~~standard medical reference.~~

~~1 (b) A prescription drug that is cross indicated for a central
2 nervous system drug exempted under subdivision (a) as documented in
3 a generally accepted standard medical reference.~~

~~4 (c) Unless the prescription drug is a controlled substance or
5 the prescription drug is being prescribed to treat a condition that
6 is excluded from coverage under this act, a prescription drug that
7 is recognized in a generally accepted standard medical reference as
8 effective in the treatment of conditions specified in the most
9 recent diagnostic and statistical manual of mental disorders
10 published by the American psychiatric association. The department
11 or the department's agent shall not deny a request for prior
12 authorization of a controlled substance under this subdivision
13 unless the department or the department's agent determines that the
14 controlled substance or the dosage of the controlled substance
15 being prescribed is not consistent with its licensed indications or
16 with generally accepted medical practice as documented in a
17 standard medical reference.~~

~~18 (d) A prescription drug that is recognized in a generally
19 accepted standard medical reference for the treatment of and is
20 being prescribed to a patient for the treatment of any of the
21 following:~~

~~22 (i) Human immunodeficiency virus infections or the
23 complications of the human immunodeficiency virus or acquired
24 immunodeficiency syndrome.~~

~~25 (ii) Cancer.~~

~~26 (iii) Organ replacement therapy.~~

~~27 (iv) Epilepsy or seizure disorder.~~

(1) IF THE DEPARTMENT DEVELOPS A PRIOR AUTHORIZATION PROCESS FOR PRESCRIPTION DRUGS AS PART OF THE PHARMACEUTICAL SERVICES OFFERED UNDER THE MEDICAL ASSISTANCE PROGRAM ADMINISTERED UNDER THIS ACT, IT SHALL NOT REQUIRE PRIOR AUTHORIZATION FOR A SINGLE SOURCE BRAND NAME, GENERIC EQUIVALENT OF A MULTIPLE SOURCE BRAND NAME, OR OTHER PRESCRIPTION DRUG THAT IS RECOGNIZED IN A GENERALLY ACCEPTED STANDARD MEDICAL REFERENCE FOR THE TREATMENT OF AND IS BEING PRESCRIBED TO A PATIENT FOR THE TREATMENT OF ANY OF THE FOLLOWING:

(A) HUMAN IMMUNODEFICIENCY VIRUS INFECTIONS OR THE COMPLICATIONS OF THE HUMAN IMMUNODEFICIENCY VIRUS OR ACQUIRED IMMUNODEFICIENCY SYNDROME.

(B) CANCER.

(C) ORGAN REPLACEMENT THERAPY.

(2) This section does not apply to drugs being provided under a contract between the department and a health maintenance organization.

(3) As used in this section:

~~—(a) "Controlled substance" means that term as defined in section 7104 of the public health code, 1978 PA 368, MCL 333.7104.~~

~~—(b) "Cross indicated" means a drug which is used for a purpose generally held to be reasonable, appropriate, and within community standards of practice even though the use is not included in the federal food and drug administration's approved labeled indications for that drug.~~

(A) ~~(e)~~ "Department" means the department of community health.

(B) ~~(d)~~ "Prescriber" means that term as defined in section

1 17708 of the public health code, 1978 PA 368, MCL 333.17708.

2 (C) ~~(e)~~—"Prescription" or "prescription drug" means that term
3 as defined in section 17708 of the public health code, 1978 PA 368,
4 MCL 333.17708.

5 (D) ~~(f)~~—"Prior authorization" means ~~a process implemented by~~
6 ~~the department of community health that conditions, delays, or~~
7 ~~denies the delivery of particular pharmaceutical services to~~
8 ~~medicaid beneficiaries upon application of predetermined criteria~~
9 ~~by the department or the department's agent for those~~
10 ~~pharmaceutical services covered by the department on a fee for-~~
11 ~~service basis or pursuant to a contract for those services. The~~ **THE**
12 process **THAT** may require a prescriber to verify with the department
13 or the department's agent that the proposed medical use of a
14 prescription drug being prescribed for a patient meets the
15 predetermined criteria for a prescription drug that is otherwise
16 covered under this act or require a prescriber to obtain
17 authorization from the department or the department's agent before
18 prescribing or dispensing a prescription drug that is not included
19 on a preferred drug list or that is subject to special access or
20 reimbursement restrictions.