

SENATE BILL No. 986

May 8, 2018, Introduced by Senator HILDENBRAND and referred to the Committee on Health Policy.

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.~~ **PSYCHIATRIC**
11 **ASSOCIATION.** The department or the department's agent shall not
12 deny a request for prior authorization of a controlled substance
13 under this subdivision unless the department or the department's
14 agent determines that the controlled substance or the dosage of the
15 controlled substance being prescribed is not consistent with its
16 licensed indications or with generally accepted medical practice as
17 documented in a 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 (2) THE DEPARTMENT MAY EXCLUDE FROM THE DEPARTMENT'S PREFERRED
2 DRUG LIST A DRUG DESCRIBED IN SUBSECTION (1) THAT IS NOT SUBJECT TO
3 PRIOR AUTHORIZATION.

4 (3) ~~(2)~~—This section does not apply to drugs being provided
5 under a contract between the department and a health maintenance
6 organization.

7 (4) ~~(3)~~—As used in this section:

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

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

15 ~~——(c) "Department" means the department of community health.~~

16 (C) ~~(d)~~—"Prescriber" means that term as defined in section
17 17708 of the public health code, 1978 PA 368, MCL 333.17708.

18 (D) ~~(e)~~—"Prescription" or "prescription drug" means that term
19 as defined in section 17708 of the public health code, 1978 PA 368,
20 MCL 333.17708.

21 (E) ~~(f)~~—"Prior authorization" means a process implemented by
22 the department ~~of community health~~ that conditions, delays, or
23 denies the delivery of particular pharmaceutical services to
24 ~~medicaid beneficiaries~~ **MEDICAID RECIPIENTS** upon application of
25 predetermined criteria by the department or the department's agent
26 for those pharmaceutical services covered by the department on a
27 fee-for-service basis or ~~pursuant~~ **ACCORDING** to a contract for those

1 services. The process may require a prescriber to verify with the
2 department or the department's agent that the proposed medical use
3 of a prescription drug being prescribed for a patient meets the
4 predetermined criteria for a prescription drug that is otherwise
5 covered under this act or require a prescriber to obtain
6 authorization from the department or the department's agent before
7 prescribing or dispensing a prescription drug that is not included
8 on a preferred drug list or that is subject to special access or
9 reimbursement restrictions.