

SENATE BILL 2178

By Kelsey

AN ACT to amend Tennessee Code Annotated, Title 71,
relative to off-label use of prescription drugs.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 5, Part 1, is amended by adding the following as a new section:

71-5-151. Notwithstanding any other provision of this part, a psychotropic drug, or any drug designed, marketed, or approved by the federal food and drug administration for the purpose of affecting the mood or mental state of the patient, may only be provided as a medical service under medical assistance pursuant to this part for medically accepted indications as permitted by federal law. The bureau of TennCare shall deny payment for any use of any such drug that is not for such medically accepted indications, including, but not limited to, instances when a prescriber deems a use that is not medically indicated to be medically necessary. The commissioner of finance and administration is authorized to promulgate rules to effectuate the provisions of this section in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.