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DRUG UTILIZATION REVIEW BOARD

AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Peter C. Knudson

House Sponsor: _____

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;
- ▶ 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:

AMENDS:

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

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



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

29 **26-18-105. Drug prior approval program.**

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

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

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

36 [~~(3)~~] (c) notwithstanding the provisions of Section 52-4-202, the board shall provide
37 not less than [30] 10 days' notice to the public before holding a public hearing under
38 Subsection [~~(2)~~] (1)(b);

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

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

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

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

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

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

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

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

50 (i) by either:

51 (A) fax;

52 (B) telephone; or

53 (C) electronic transmission;

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

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

56 [~~(8)~~] (h) the program shall provide for the dispensing of at least a 72-hour supply of the
57 drug on the prior approval program:

58 (i) in an emergency situation; or

59 (ii) on weekends or state holidays;

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

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

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

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

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

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

66 and

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

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

69 a drug when placing a drug on the prior approval program.

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

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

Legislative Review Note
as of 1-4-10 2:21 PM

Office of Legislative Research and General Counsel

S.B. 41 - Drug Utilization Review Board Amendments

Fiscal Note

2010 General Session
State of Utah

State Impact

Enacting this bill will save \$118,200 in on-going General Funds and \$354,600 in federal funds beginning in FY 2011.

| | <u>FY 2010</u> <u>Approp.</u> | <u>FY 2011</u> <u>Approp.</u> | <u>FY 2012</u> <u>Approp.</u> | <u>FY 2010</u> <u>Revenue</u> | <u>FY 2011</u> <u>Revenue</u> | <u>FY 2012</u> <u>Revenue</u> |
|---------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|
| General Fund | \$0 | (\$118,200) | (\$118,200) | \$0 | \$0 | \$0 |
| Federal Funds | \$0 | (\$354,600) | (\$354,600) | \$0 | \$0 | \$0 |
| Total | \$0 | (\$472,800) | (\$472,800) | \$0 | \$0 | \$0 |

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for local governments. Individuals and businesses may be impacted due to the proposed changes in statute.