

SUBSTITUTE FOR
SENATE BILL NO. 832

A bill to amend 1939 PA 280, entitled
"The social welfare act,"
(MCL 400.1 to 400.119b) by adding section 109h.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

11 (b) A prescription drug that is cross-indicated for a

1 central nervous system drug exempted under subdivision (a) as
2 documented in a generally accepted standard medical reference.

3 (c) Unless the prescription drug is a controlled substance or
4 the prescription drug is being prescribed to treat a condition
5 that is excluded from coverage under this act, a prescription
6 drug that is recognized in a generally accepted standard medical
7 reference as effective in the treatment of conditions specified
8 in the most recent diagnostic and statistical manual of mental
9 disorders published by the American psychiatric association.

10 (d) A prescription drug that is recognized in a generally
11 accepted standard medical reference for the treatment of and is
12 being prescribed to a patient for the treatment of any of the
13 following or its symptoms:

14 (i) Human immunodeficiency virus infections or the
15 complications of the human immunodeficiency virus or acquired
16 immunodeficiency syndrome.

17 (ii) Cancer.

18 (iii) Organ replacement therapy.

19 (iv) Epilepsy or seizure disorder.

20 (2) As used in this section:

21 (a) "Controlled substance" means that term as defined in
22 section 7104 of the public health code, 1978 PA 368, MCL
23 333.7104.

24 (b) "Cross-indicated" means a drug which is used for a
25 purpose generally held to be reasonable, appropriate, and within
26 community standards of practice even though the use is not

1 included in the federal food and drug administration's approved
2 labeled indications for that drug.

3 (c) "Department" means the department of community health.

4 (d) "Prescriber" means that term as defined in section 17708
5 of the public health code, 1978 PA 368, MCL 333.17708.

6 (e) "Prescription" or "prescription drug" means that term as
7 defined in section 17708 of the public health code, 1978 PA 368,
8 MCL 333.17708.

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