

# SENATE BILL No. 832

November 5, 2003, Introduced by Senators HAMMERSTROM and GEORGE and referred to the Committee on Health Policy.

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 other prescription drugs:  
7       (a) A prescription drug that is classified as an antianxiety,  
8 anticonvulsant, antidepressant, or antipsychotic central nervous  
9 system drug in the most recent publication of "Drug Facts and  
10 Comparisons" published by the facts and comparisons division of  
11 J.B. Lippincott company.

1 (b) A prescription drug that is cross-indicated for an  
2 antipsychotic central nervous system drug exempted under  
3 subdivision (a) according to the most recent publication of any  
4 of the following:

5 (i) "American Psychiatric Press Textbook of  
6 Psychopharmacology".

7 (ii) "Current Clinical Strategies for Psychiatry".

8 (iii) "Drug Facts and Comparisons".

9 (iv) Any other similar publication approved by the  
10 department.

11 (c) A prescription drug that is prescribed for the treatment  
12 of mental disorders that meet criteria specified in the most  
13 recent diagnostic and statistical manual of mental disorders  
14 published by the American psychiatric association.

15 (d) A prescription drug that is approved by the federal food  
16 and drug administration for the treatment of any of the  
17 following:

18 (i) Human immunodeficiency virus infections or the  
19 complications of the human immunodeficiency virus or acquired  
20 immunodeficiency syndrome.

21 (ii) Cancer.

22 (iii) Organ replacement therapy.

23 (iv) Hepatitis C.

24 (2) If the publications referenced under subsection (1) are  
25 amended after the effective date of the amendatory act that added  
26 this section, the department of community health shall determine  
27 whether those changes shall apply to the prescription drugs

1 exempt from the prior authorization process under subsection  
2 (1). In making this determination, the department of community  
3 health shall consider whether the amendments further the goal of  
4 the exemption of these categories of prescription drugs from the  
5 prior authorization process under subsection (1).

6 (3) As used in this section:

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

12 (b) "Department" means the department of community health.

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

15 (d) "Prescription" or "prescription drug" means that term as  
16 defined in section 17708 of the public health code, 1978 PA 368,  
17 MCL 333.17708.

18 (e) "Prior authorization" means a process implemented by the  
19 department of community health that conditions, delays, or denies  
20 the delivery of a particular pharmaceutical service upon  
21 application of predetermined criteria by the department or the  
22 department's agent for that pharmaceutical service. The process  
23 may require a prescriber to verify with the department or the  
24 department's agent that the proposed medical use of a  
25 prescription drug being prescribed for a patient meets the  
26 predetermined criteria for a prescription drug that is otherwise  
27 covered under this act or require a prescriber to obtain

1 authorization from the department or the department's agent  
2 before prescribing or dispensing a prescription drug that is not  
3 included on a preferred drug list or that is subject to special  
4 access or reimbursement restrictions.