

PROPOSED AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1459

That the Senate recede from its amendments as printed on pages 1563 and 1564 of the House Journal and pages 879-881 of the Senate Journal and that Reengrossed House Bill No. 1459 be amended as follows:

Page 1, line 1, after "chapter" insert "50-06 and a new section to chapter"

Page 1, line 2, after the first "to" insert "creation of a prescription drug monitoring program and" and replace "a report" with "reports to the legislative council; to provide for a legislative council study; to provide legislative intent; to provide an expiration date"

Page 1, after line 4, insert:

**"SECTION 1.** A new section to chapter 50-06 of the North Dakota Century Code is created and enacted as follows:

**Prescription drug monitoring program.** The department of human services shall seek federal grant funds for the planning and implementing of a prescription drug monitoring program. Upon receipt of federal grant funds, the department of human services shall adopt rules necessary to implement the prescription drug monitoring program and shall implement the program. State agencies shall cooperate with the department to ensure the success of the program."

Page 1, line 9, replace "for neonates and the two" with "to include a concentrated, but not an exclusive, emphasis for the two thousand medical assistance recipients with the highest cost for treatment of chronic diseases and the families of neonates that can benefit from case management services"

Page 1, remove line 10

Page 1, line 11, remove "chronic diseases"

Page 1, replace lines 15 through 18 with:

- "2. Require medical assistance providers to use the appropriate diagnosis or reason and procedure codes when submitting claims for medical assistance reimbursement; review and develop recommendations to identify instances in which a provider of services is not properly reporting diagnosis or reason and procedure codes when submitting claims for medical assistance reimbursements; and review and recommend any specific providers from which a potential benefit might be obtained by requiring additional diagnosis or reason and procedure codes."

Page 2, after line 19, insert:

**"SECTION 3. PRESCRIPTION DRUG MONITORING PROGRAM WORKING GROUP - REPORT TO LEGISLATIVE COUNCIL.**

1. The department of human services shall form a prescription drug monitoring program working group of interested individuals to:

- a. Identify problems relating to the abuse and diversion of controlled substances and how a prescription drug monitoring program may address these problems.
  - b. Identify a strategy and propose a prescription drug monitoring program through which to address the identified problems, including consideration of how the program would fit into the overall strategy. Factors to be addressed in the program must include:
    - (1) Determination of what types of prescription drugs will be monitored.
    - (2) Determination of what types of drug dispensers will be required to participate in the program.
    - (3) Determination of what data will be required to be reported.
    - (4) Determination of what persons will be allowed to access data, what types of data will be accessible, and how to ensure appropriate protection of data.
    - (5) Determination of the entity that will implement and sustain the program.
  - c. Establish how the program will be implemented, the fiscal requirements for implementation, and the timelines for implementation. In establishing how the program will be implemented, the working group shall consider the feasibility and desirability of formal or informal educational outreach to North Dakota communities and interested persons.
  - d. Consider possible performance measures the state may use to assess the impact of the program and whether special data collection instruments would be required to effectively monitor the impact of the program.
  - e. Provide to the department of human services a draft of proposed administrative rules to implement the proposed program.
2. The membership of the working group may include representatives from the private and public sectors, including representatives from the North Dakota medical association; the North Dakota nurses association; the North Dakota pharmacists association; the North Dakota society of health-system pharmacists; the North Dakota board of pharmacy; the North Dakota dental association; the North Dakota veterinary medical association; the North Dakota healthcare association; the North Dakota long term care association; the university of North Dakota school of medicine and health sciences; law enforcement agencies, appointed by the attorney general; the department of human services; the state department of health; workforce safety and insurance; the information technology department; and the federally designated state peer review organization.
  3. During the 2005-06 interim, the department of human services and the prescription drug monitoring program working group shall provide the legislative council with periodic status reports on the activities of the working group and the implementation of the program.
  4. The department shall designate the chairman and vice chairman of the working group."

Page 2, line 22, replace "1" with "2"

Page 2, after line 22, insert:

**"SECTION 5. LEGISLATIVE COUNCIL STUDY.** The legislative council shall consider studying, during the 2005-06 interim, the medicaid medical reimbursement system, including costs of providing services, fee schedules, parity among provider groups, and access. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixtieth legislative assembly.

**SECTION 6. LEGISLATIVE INTENT.** It is the intent of the fifty-ninth legislative assembly that the department promptly initiate and conduct the rulemaking activity under chapter 28-32 which is deemed necessary to implement this Act.

**SECTION 7. EXPIRATION DATE.** Section 3 of this Act is effective through December 31, 2006, and after that date is ineffective."

Renumber accordingly