

**FIRST ENGROSSMENT  
with House Amendments  
ENGROSSED SENATE BILL NO. 2243**

Introduced by

Senators J. Lee, Anderson, Kreun

Representatives Beadle, M. Johnson

1 A BILL for an Act to amend and reenact subsection 3 of section 50-24.6-04 of the North Dakota  
2 Century Code, relating to prior authorization for medical assistance.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Subsection 3 of section 50-24.6-04 of the North Dakota  
5 Century Code is amended and reenacted as follows:

6 3. a. For individuals twenty-one years of age and older, except for quantity limits that  
7 may be no less than the pharmaceutical manufacturer's package insert, brand  
8 name drugs with a generic equivalent drug for which the cost to the state  
9 postrebate is less than the brand name drugs, in the aggregate, or generic drugs  
10 with a brand name equivalent drug for which the cost to the state postrebate is  
11 less than the generic drug, the department may not prior authorize the following  
12 medication classes:

13 (1) Antipsychotics;

14 (2) Antidepressants;

15 (3) Anticonvulsants;

16 (4) Antiretrovirals, for the treatment of human immunodeficiency virus;

17 (5) Antineoplastic agents, for the treatment of cancer; and

18 (6) Stimulant medication used for the treatment of attention deficit disorder and  
19 attention deficit hyperactivity disorder; except an individual who prescribes  
20 this medication at a rate two times higher than the rate of the top ten  
21 prescribers excluding the top prescriber may be subject to prior  
22 authorization.

23 b. For individuals under twenty-one years of age, except for quantity limits that may  
24 be no less than the pharmaceutical manufacturer's package insert, brand name

1 drugs with a generic equivalent drug for which the cost to the state postrebate is  
2 less than the brand name drugs, in the aggregate, or generic drugs with a brand  
3 name equivalent drug for which the cost to the state postrebate is less than the  
4 generic drug, the department may not prior authorize the following medication  
5 classes:

- 6 (1) Antipsychotics;  
7 (2) Antidepressants;  
8 (3) Anticonvulsants;  
9 (4) Antiretrovirals, for the treatment of human immunodeficiency virus;  
10 (5) Antineoplastic agents, for the treatment of cancer; and  
11 (6) Stimulant medication used for the treatment of attention deficit hyperactivity  
12 disorder.

13 c. The restrictions of subdivision b do not apply for individuals under twenty-one  
14 years of age, who have five or more concurrent prescriptions for psychotropic  
15 medications.

16 d. Prior authorization for individuals under twenty-one years of age is required for  
17 five or more concurrent prescriptions for antipsychotics, antidepressants,  
18 anticonvulsants, benzodiazepines, mood stabilizers, sedative, hypnotics, or  
19 medications used for the treatment of attention deficit hyperactivity disorder. The  
20 department shall grant authorization to exceed the limits after a prescriber  
21 requesting authorization consults with a board certified pediatric psychiatrist  
22 approved by the department.

23 e. The restrictions of this subsection do not apply if prior authorization is required by  
24 the centers for Medicare and Medicaid services.