

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1430

Page 1, line 1, remove the second "to"

Page 1, line 2, after "services" insert "; and to declare an emergency"

Page 1, line 8, remove "peer-review medical literature,"

Page 2, line 14, replace "eleven" with "eighteen"

Page 2, line 16, replace "Four" with "Six"

Page 2, line 17, after "medicine" insert ", four of whom are"

Page 2, line 19, replace "Five pharmacist" with "Six pharmacists"

Page 2, line 20, replace "and" with "four of whom are"

Page 2, line 22, replace "One person" with "Two individuals" and replace "is a resident" with "are residents"

Page 2, line 23, remove "and"

Page 2, line 24, replace "One person" with "Two individuals"

Page 2, line 26, replace the period with ";

- e. The pharmacy administrator of the department; and
- f. The medical consultant to the department."

Page 2, line 27, replace "One physician, one" with "Two physicians, two pharmacists"

Page 2, line 28, remove "pharmacist" and replace "the" with "one"

Page 2, line 29, replace "one physician" with "two physicians" and replace "the" with "one"

Page 3, line 1, remove "nominee lists for"

Page 3, line 5, replace "monthly" with "once every two months"

Page 3, line 7, after "The" insert "duties of the board must be consistent with 42 U.S.C. 1396r-8(g)(3). In addition, the"

Page 3, line 16, replace "part" with "Act"

Page 5, line 17, after the period insert "Members appointed to the committee may be appointed from among the board and may also serve as members of the board."

Page 5, line 18, replace "eleven" with "eight"

Page 5, line 20, replace "Five" with "Three" and after "physicians" insert "of different medical specialties"

Page 5, line 21, after "medicine" insert "who may be" and after "from" insert "among physician members of the board or from"

Page 5, line 23, replace "Four" with "Three"

Page 5, line 24, after the comma insert "who may be" and after "from" insert "among the pharmacist members of the board or from"

Page 5, line 30, replace "Board" with "Committee" and replace "Two physicians" with "One physician"

Page 6, line 21, replace "a semiannual" with "at least an annual"

Page 6, line 28, after "the" insert "completed"

Page 7, line 6, replace the comma with "or"

Page 7, line 7, remove "or peer-review literature"

Page 7, line 8, after the period insert "The department may contract with third parties to collect and analyze the documentation required by this subsection."

Page 8, remove lines 25 through 29

Page 8, line 30, replace "4." with "3."

Page 9, line 3, after "department" insert "under chapter 28-32"

Page 9, line 4, replace "5." with "4." and replace "every six" with "not less than once each year"

Page 9, line 5, remove "months"

Page 9, line 6, replace "6." with "5."

Page 9, after line 8, insert:

"SECTION 8. Denial or delay of care. Notwithstanding any other provision of law, any individual whose health care has been denied or delayed more than twenty-four hours as a result of an administrative procedure implemented by the department or any of its contractors may bring an action in district court. The administrative procedures include prior authorization, formularies, preferred drug lists, step therapy, or treatment protocols. The court may provide equitable relief and specific remedies. If a department contractor has acted with disregard for the prescribing physician's judgment regarding medically necessary care for the individual, the court may provide for exemplary damages. If the court finds against the department, the court shall award reasonable attorney's fees and court costs, regardless of whether the court awards specific relief or damages to the plaintiff.

SECTION 9. Preferred drug list procedures. A pharmaceutical manufacturer may appeal to the district court a decision of the department or its contractor to exclude a specific drug from a preferred drug list or formulary on the grounds that the decision is arbitrary, unfair, or a violation of state law, or in the case of a single source drug, on the grounds that the exclusion is not consistent with 42 U.S.C. 1396r-8(d)(4).

SECTION 10. Financial incentives prohibited. The department may not offer or pay directly or indirectly any material inducement, bonus, or other financial incentive to a participating provider based on the denial or delay of medically necessary and appropriate prescription drug therapy, or a reduction in the proportion of beneficiaries who receive prescription drug therapy under the medical assistance program."

Page 9, after line 10, insert:

"SECTION 12. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly