

Introduced by

Representatives Weisz, Devlin, Kilichowski

Senators Dever, Uglen, Heckaman

1 A BILL for an Act to create and enact a new section to chapter 23-01 of the North Dakota
2 Century Code, relating to electronic drug prior authorization standards; and to provide for a
3 report to the legislative management.

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

5 **SECTION 1.** A new section to chapter 23-01 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Electronic drug prior authorization and transmission - Limitations.**

8 1. Effective August 1, 2013, a drug prior authorization request must be accessible and
9 submitted by a health care provider and must be accepted by a group purchaser
10 electronically through a secure electronic transmission. For purposes of this section, a
11 facsimile is not an electronic transmission.

12 2. Effective August 1, 2013, electronic transmission devices used to communicate a
13 prescription to a pharmacist may not use any means or permit any other person to use
14 any means, including alerts, advertising, messaging, and popup advertisements, to
15 influence or attempt to influence through economic incentives or otherwise the
16 prescribing decision of a prescribing practitioner at the point of care. Such means may
17 not be triggered by or be in specific response to the input, selection, or act of a
18 prescribing practitioner or the prescribing practitioner's staff in prescribing a certain
19 pharmaceutical or directing a patient to a certain pharmacy. Any alert, advertising,
20 messaging, or popup advertisements must be supported by scientific evidence and
21 must be consistent with the federal food and drug administration regulations for
22 advertising pharmaceutical products.

23 **SECTION 2. ELECTRONIC DRUG PRIOR AUTHORIZATION STANDARDIZATION AND**
24 **TRANSMISSION - REPORT TO LEGISLATIVE MANAGEMENT.** During the 2011-12 interim,

Sixty-second
Legislative Assembly

1 the state department of health and the health information technology advisory committee shall
2 work together to establish an outline on how best to standardize drug prior authorization request
3 transactions between providers and group purchasers. The outline must be designed with the
4 goal of maximizing administrative simplification and efficiency in preparation for electronic
5 transmissions and alignment with standards that are or will potentially be used nationally. By
6 January 1, 2012, the state department of health and the health information technology advisory
7 committee shall provide a report to the legislative management regarding the outline on how
8 best to standardize drug prior authorization request transactions between providers and group
9 purchasers.