19.0476.02000

Sixty-sixth
Legislative Assembly
of North Dakota

FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1063

Introduced by

Representative Keiser

Senators Anderson, Klein

A BILL for an Act to create and enact section 65-05-40 of the North Dakota Century Code, relating to duration limits for opioid therapy and benzodiazepine; and to provide for application.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Section 65-05-40 of the North Dakota Century Code is created and enacted as follows:

65-05-40. Opioid therapy and benzodiazepine duration limits - Termination of coverage.

1. The organization may not pay for opioid therapy that exceeds ninety morphine milligram equivalents of opioid medication per day, or more than a seven-day supply of an opioid medication within any single outpatient transaction during the initial thirty-day period of opioid therapy.
   a. The limitations do not apply to:
      (1) Opioid therapy prescribed for active and aftercare cancer treatment;
      (2) End-of-life and hospice care;
      (3) Treatment for substance use disorder;
      (4) An emergency room setting;
      (5) An inpatient hospital setting;
      (6) A long-term care facility setting; or
      (7) An assisted living facility setting.
   b. Opioid therapy includes medications listed in subsections 3 and 4 of section 19-03.1-07, subsection 6 of section 19-03.1-09, subsection 3 of section 19-03.1-11, subsections 3 and 4 of section 19-03.1-13, or any substance with similar properties or affects.

2. The organization may not pay for benzodiazepine therapy beyond a cumulative duration of four weeks, except when approved by the organization for the treatment of an anxiety disorder. Benzodiazepine therapy includes medications contained in subdivisions a, i, j, k, l, p, r, v, x, ee, mm, qq, xx, yy, aaa, and ccc of subsection 4 of section 19-03.1-11, or any substance with similar properties or affects.
3. The organization may not pay for any combination therapies that include medications from subsections 1 and 2 concurrently.
4. A review of requests to depart from the established limits in subsections 1, 2, and 3, upon a showing of medical necessity, are dispute resolution decisions under section 65-02-20.

SECTION 2. APPLICATION. An injured employee receiving any therapy exceeding the therapy limits in section 1 of this Act on the effective date of this Act must be in compliance with the limits by July 1, 2020, at which time the organization shall terminate coverage for any therapy exceeding the limits.