

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1451

Introduced by

Representatives Nelson, Mitskog, O'Brien

1 A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota
2 Century Code, relating to medical assistance prescription drug benefits for antiobesity
3 medication.

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

5 **SECTION 1.** A new section to chapter 50-24.1 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Medical assistance benefits - Prescription drug coverage - Antiobesity medication.**

8 1. Medical assistance coverage, including Medicaid expansion coverage, must include
9 comprehensive coverage for the treatment of obesity, which includes coverage for
10 intensive behavioral therapy, bariatric surgery, and antiobesity medication approved by
11 the United States food and drug administration for an enrollee with a body mass index
12 of equal to or greater than thirty-five kilograms per square meter. The coverage must
13 include maintenance doses of the antiobesity medication regardless of the enrollee's
14 body mass index.

15 2. ~~The coverage criteria for antiobesity medication may not be more restrictive than the~~
16 ~~United States food and drug administration approved indications.~~

17 ~~3.~~ The coverage provided under this section may not be different or separate from
18 coverage provided for any other illness, condition, or disorder for purposes of
19 determining deductibles, lifetime dollar limits, a benefit year maximum for deductibles,
20 and copayment and coinsurance factors.

- 1 | 4.3. This section may not be construed to preclude the undertaking of utilization
2 | management to determine the medical necessity for treatment of obesity, provided all
3 | appropriate medical necessity determinations are made in the same manner as those
4 | determinations are made for the treatment of any other illness, condition, or disorder
5 | covered by medical assistance benefits.
- 6 | 5.4. The department shall provide notice to an enrollee regarding the coverage required by
7 | this section. The notice must be:
- 8 | a. In writing;
9 | b. Prominently positioned in any literature or correspondence; and
10 | c. Provided to an enrollee when annual information is made available to an
11 | enrollee, or in another mailing to an enrollee, but no later than December 31,
12 | 2025.