

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 2251 of the Regular Session

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: H4/1/05

A Bill

HOUSE BILL 2867

5 By: Representative Goss
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8 **For An Act To Be Entitled**

9 AN ACT TO PROHIBIT THE STATE MEDICAID PROGRAM
10 FROM REQUIRING BENEFICIARIES TO FAIL FIRST ON ANY
11 DRUG ON THE PREFERRED DRUG LIST BEFORE PROVIDING
12 PRIOR AUTHORIZATION TO TREAT ASTHMA ATTACKS OR
13 OTHER RESPIRATORY FAILURE; AND FOR OTHER
14 PURPOSES.
15

16 **Subtitle**

17 AN ACT TO PROHIBIT THE MEDICAID PROGRAM
18 FROM LIMITING ACCESS TO MEDICATION TO
19 TREAT ASTHMA ATTACKS OR OTHER
20 RESPIRATORY FAILURE.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code Title 20, Chapter 77, Subchapter 1 is amended
26 to add an additional section to read as follows:

27 20-77-121. Drugs for asthma and other respiratory diseases.

28 (a) As used in this section, the following definitions shall apply:

29 (1) "Drug Review Committee" means physicians and pharmacists who
30 perform unbiased reviews of drugs to determine which drugs should be
31 recommended for inclusion on the Preferred Drug List maintained by the
32 Division of Medical Services of the Department of Human Services;

33 (2) "Emergency override" means a process developed by the
34 Division of Medical Services that permits a pharmacist to obtain immediate
35 permission to dispense an emergency supply of a drug prescribed by the



1 treating physician to treat a medical emergency, and for which Medicaid will
2 provide reimbursement;

3 (3) "Fail-first" means the requirement that a Preferred Drug
4 List drug be utilized prior to the use of a non- Preferred Drug List drug;

5 (4) "Override" means a process developed by the Division of
6 Medical Services that permits a physician to request review of and seek
7 permission to prescribe a non-PDL drug for which Medicaid will provide
8 reimbursement;

9 (5) "Preferred Drug List" means a list of drugs within a class
10 of drugs for which Medicaid will provide reimbursement without need of a
11 prior authorization; and

12 (6) "Unbiased review" means a review by physicians and
13 pharmacists, selected, approved or appointed by the Division of Medical
14 Services, of scientific evidence to determine the comparative effectiveness
15 and safety of healthcare treatments of drugs within a class.

16 (b) In the event that the Division of Medical Services institutes a
17 fail-first practice or policy for drugs for the treatment of asthma or other
18 respiratory diseases, the division shall provide a process to request an
19 override.

20 (c) In cases of medical emergencies resulting from asthma or other
21 acute respiratory diseases, the dispensing pharmacist shall seek an emergency
22 override before dispensing the emergency supply of drug or drugs to treat the
23 medical emergency condition.

24 /s/ Goss

27 APPROVED: 4/13/2005

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