2016 Regular Session

ACT No. 339

ENROLLED

SENATE BILL NO. 117

BY SENATOR MILLS

AN ACT

To amend and reenact R.S. 46:153.3(B)(2)(a)(iv), the introductory paragraph of (D)(2), (D)(2)(c), (d), (e), (f), (g), (h), (k), and (p), and (D)(5)(b) and (c) and to repeal R.S. 46:153.3(B)(1)(b), (c), (d), and (e), (B)(2)(d), (B)(3) and (4), (C)(2) and (3), and (D)(5)(d) and (e), relative to the Medicaid Pharmaceutical and Therapeutics Committee; to remove legislative intent and expired implementation restrictions; to remove references to committees that no longer exist; to remove provisions that have been sunset by subsequent legislation; to change the Medicaid Pharmaceutical and Therapeutics Committee membership selection criteria; to change terminology; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:153.3(B)(2)(a)(iv), the introductory paragraph of (D)(2), (D)(2)(c), (d), (e), (f), (g), (h), (k), and (p), and (D)(5)(b) and (c) are hereby amended and reenacted to read as follows:

§153.3. Medical vendor reimbursements; allowable restrictions; peer-based prescribing and dispensing practice patterns; Medicaid Pharmaceutical and Therapeutics Committee

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B.

* * *

(2)(a)

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(iv) Involve medical personnel, including but not limited to pharmacists~~,~~ ~~pharmacy technicians, nurses,~~ and physicians.

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D.

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(2) Each nominating organization shall certify by affidavit that the practice of each nominee involves either the care of or the supervision of the care of no less than one hundred ~~fifty~~ Medicaid recipients. The committee shall be comprised of the following persons:

* * *

(c) One practicing physician who is participating in the Title XIX program as a family practitioner recommended ~~from a list of three names submitted~~ by the Louisiana State Medical Society.

(d) One practicing physician who is participating in the Title XIX program as an internal medicine specialist recommended ~~from a list of three names submitted~~ by the Louisiana State Medical Society.

(e) One practicing physician who is participating in the Title XIX program as a pediatrician recommended ~~from a list of three names submitted~~ by the Louisiana State Medical Society.

(f) One practicing physician who is participating in the Title XIX program as a surgeon recommended ~~from a list of three names submitted~~ by the Louisiana State Medical Society.

(g) One practicing physician who is participating in the Title XIX program as an obstetrics/gynecologist recommended ~~from a list of three names submitted~~ by the Louisiana State Medical Society.

(h) Two practicing physicians who are participating in the Title XIX program recommended ~~from a list of six names submitted~~ by the Louisiana Medical Association.

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(k) Two practicing pharmacists who are participating in the Title XIX drug program ~~recommended from a list of six names submitted by the Louisiana Pharmacists Association~~. One pharmacist shall be an independent pharmacist **recommended by the Louisiana Independent Pharmacies Association** and one

pharmacist shall be a pharmacist representing a chain pharmacy **recommended by the Louisiana Pharmacists Association**.

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(p) One practicing physician who is participating in the Title XIX program as a psychiatrist recommended ~~from a list of three names submitted~~ by the Louisiana Psychiatric Medical Association.

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(5)

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(b) The committee shall be responsible for developing and maintaining a ~~pharmacopoeia~~ **preferred drug list** established in conjunction with a prior approval process as provided in Subparagraph (B)(2)(a) of this Section. The ~~pharmacopoeia~~ **preferred drug list** shall comply with all applicable state and federal laws, rules, and regulations. The committee may recommend additions and deletions to the ~~pharmacopoeia~~ **preferred drug list** and the ~~pharmacopoeia~~ **preferred drug list** may change in accordance with those recommendations. The committee shall also advise the secretary of the department on policy recommendations related to the prudent administration of the Medicaid drug program. The secretary shall assure that all actions of the committee comply with applicable state and federal laws, rules, and regulations prior to implementation or modification of the ~~pharmacopoeia~~ **preferred drug list**. The clinical decisions regarding the preferred drug list shall be made transparent through a written report that is publicly available. If the decision of the Medicaid Pharmaceutical and Therapeutics Committee is contrary to the clinical evidence found in labeling, drug compendia, or peer review literature, such decisions shall be justified in writing.

(c) Any **new** drug approved by the United States Food and Drug Administration ~~shall~~ **may** be added to the ~~formulary~~ **preferred drug list** ~~as soon as~~ **when** it becomes commercially available **and the manufacturer enters into a federal medicaid drug rebate program if the department determines it is in the best interest of the medical assistance program**. The Medicaid Pharmaceutical and

Therapeutics Committee shall conduct an evidence-based analysis of the drug to determine if the drug shall be maintained on the ~~formulary~~ **preferred drug list**. The analysis shall include but not be limited to the medical evidence of the clinical effectiveness of the drug as well as evidence of the cost-effectiveness of the drug in treating illness and disease. ~~The determination by the committee on any new drug approval by the United States Food and Drug Administration shall be made no later than ninety days after the drug becomes commercially available. Prior to a drug being prior authorized, it must have been reviewed by the Medicaid Pharmaceutical and Therapeutics Committee.~~ **When a new drug that is included in the Medicaid Pharmaceutical and Therapeutics Committee process is approved by the United States Food and Drug Administration, the drug shall be reviewed at the next Medicaid Pharmaceutical and Therapeutics Committee meeting.**

Section 2. R.S. 46:153.3(B)(1)(b), (c), (d), and (e), (B)(2)(d), (B)(3) and (4), (C)(2) and (3), and (D)(5)(d) and (e) are hereby repealed in their entirety.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____