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HOUSE OF REPRESENTATIVES

**EIGHTY-SIXTH
SESSION**

HOUSE FILE No. 1338

March 5, 2009

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The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight

March 30, 2009

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

1.1 A bill for an act
1.2 relating to health; expanding the definition for standard reference compendia;
1.3 amending Minnesota Statutes 2008, section 62Q.525, subdivisions 2, 3.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2008, section 62Q.525, subdivision 2, is amended to
1.6 read:

1.7 Subd. 2. **Definitions.** (a) For purposes of this section, the terms defined in this
1.8 subdivision have the meanings given them.

1.9 (b) "Medical literature" means articles from major peer reviewed medical journals
1.10 that have recognized the drug or combination of drugs' safety and effectiveness for
1.11 treatment of the indication for which it has been prescribed. Each article shall meet the
1.12 uniform requirements for manuscripts submitted to biomedical journals established by
1.13 the International Committee of Medical Journal Editors or be published in a journal
1.14 specified by the United States Secretary of Health and Human Services pursuant to United
1.15 States Code, title 42, section 1395x, paragraph (t), clause (2), item (B), as amended, as
1.16 acceptable peer review medical literature. Each article must use generally acceptable
1.17 scientific standards and must not use case reports to satisfy this criterion.

1.18 (c) "Off-label use of drugs" means when drugs are prescribed for treatments other
1.19 than those stated in the labeling approved by the federal Food and Drug Administration.

1.20 (d) "Standard reference compendia" means any one of the following:

1.21 ~~(1) the United States Pharmacopoeia Drug Information; or~~

1.22 ~~(2) (1) the American Hospital Formulary Service Drug Information;~~

1.23 (2) the National Comprehensive Cancer Network's Drugs and Biologics

1.24 Compendium;

- 2.1 (3) Thomson Micromedex's DrugDex;
2.2 (4) Elsevier Gold Standard's Clinical Pharmacology; or
2.3 (5) other authoritative compendia as identified from time to time by the United
2.4 States Department of Health and Human Services.

2.5 Sec. 2. Minnesota Statutes 2008, section 62Q.525, subdivision 3, is amended to read:

2.6 Subd. 3. **Required coverage.** (a) Every type of coverage included in subdivision 1
2.7 that provides coverage for drugs may not exclude coverage of a drug for the treatment of
2.8 cancer on the ground that the drug has not been approved by the federal Food and Drug
2.9 Administration for the treatment of cancer if the drug is recognized for treatment of cancer
2.10 in ~~one of~~ the standard reference compendia adopted by the health plan on an annual basis
2.11 or in one article in the medical literature, as defined in subdivision 2.

2.12 (b) Coverage of a drug required by this subdivision includes coverage of medically
2.13 necessary services directly related to and required for appropriate administration of the
2.14 drug.

2.15 (c) Coverage required by this subdivision does not include coverage of a drug not
2.16 listed on the formulary of the coverage included in subdivision 1.

2.17 (d) Coverage of a drug required under this subdivision must not be subject to any
2.18 co-payment, coinsurance, deductible, or other enrollee cost-sharing greater than the
2.19 coverage included in subdivision 1 applies to other drugs.

2.20 (e) The commissioner of commerce or health, as appropriate, may direct a person
2.21 that issues coverage included in subdivision 1 to make payments required by this section.