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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

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A N A C T

RELATING TO HUMAN SERVICES -- MEDICAL ASSISTANCE--PRESCRIPTION DRUGS

Introduced By: Representatives M Rice, Naughton, Ferri, Hearn, and DaSilva

Date Introduced: May 04, 2010

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 40-21-1 of the General Laws in Chapter 40-21 entitled "Medical  
2 Assistance - Prescription Drugs" is hereby amended to read as follows:

3 **40-21-1. Prescription drug program.** -- The department of human services is hereby  
4 authorized and directed to amend its practices, procedures, regulations and the Rhode Island state  
5 plan for medical assistance (Medicaid) pursuant to title XIX of the Federal Social Security Act  
6 [42 U.S.C. section 1396 et seq.]to modify the prescription drug program:

7 (1) To establish a preferred drug list (PDL) which shall include injectables as well as  
8 orally-administered drugs and whereby the injectable drug shall take preference over the orally-  
9 administered drug when medically necessary for treatment;

10 (2) To enter into supplemental rebate, discount or other agreements with pharmaceutical  
11 companies; and

12 (3) To negotiate either state-specific supplemental rebates or to participate in a multi-  
13 state pooling supplemental rebate program.

14 Determinations of drugs included on the PDL will be made by the State Department of  
15 Human Services, and a listing of such drugs shall be maintained on a public website. In making  
16 these determinations, the department shall consider the recommendations of the Medicaid  
17 Pharmaceutical and Therapeutics Committee, whose membership shall include practicing  
18 pharmacists and physicians, faculty members of the University of Rhode Island's College of  
19 Pharmacy, and consumers or consumer representatives. Drugs exempt from the PDL shall

1 include: (1) anti-retrovirals; and (2) organ transplant medications. Physicians will be informed  
2 about prior authorization procedures for medications not on the PDL, and seventy-two (72) hour  
3 emergency supplies may be dispensed if authorizations cannot be obtained.

4 (4) To mandate the dispensing of generic-only drugs with the exception of limited brand  
5 drug coverage for certain therapeutic classes as approved by the Department of Human Services  
6 to individuals eligible for medical assistance (Medicaid) under sections 40-8.4-4, 42-12.3-4 and  
7 42-12.3-15.

8 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO HUMAN SERVICES -- MEDICAL ASSISTANCE--PRESCRIPTION DRUGS

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- 1           This act would require that the preferred drug list (PDL) maintained by the department of
- 2 human services include injectable drugs as well as orally-administered drugs.
- 3           This act would take effect upon passage.

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