

1 SENATE BILL NO. 317

2 INTRODUCED BY D. LENZ

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING HEALTH INSURANCE ISSUERS FROM  
5 PERFORMING PRIOR AUTHORIZATION ON PSYCHIATRIC DRUGS THAT ARE IN SHORTAGE OR  
6 DISCONTINUED; AND AMENDING SECTION 33-32-221, MCA."

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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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10 **Section 1.** Section 33-32-221, MCA, is amended to read:

11 **"33-32-221. Prior authorization requirements.** (1) A health insurance issuer may not perform prior  
12 authorization on benefits for:

13 (a) any generic prescription drug that is not listed within any of the schedules of controlled  
14 substances found at 21 CFR 1308.11 through 21 CFR 1308.15 or the schedules of controlled substances found  
15 in Title 50, chapter 32, after a covered person has been prescribed the covered drug at the same quantity  
16 without interruption for 6 months;

17 (b) any prescription drug or drugs, generic or brand name, on the grounds of therapeutic  
18 duplication for the same drug if the covered person has already been subject to prior authorization on the  
19 grounds of therapeutic duplication for the same dosage of the prescription drug or drugs and coverage of the  
20 prescription drug or drugs was approved;

21 (c) any prescription drug, generic or brand name, solely because the dosage of the medication for  
22 the covered person has been adjusted by the prescriber of the prescription drug, as long as the dosage is  
23 within the dosage approved by the food and drug administration or is consistent with clinical dosing for the  
24 medication; or

25 (d) any prescription drug, generic or brand name, that is a long-acting injectable antipsychotic; or

26 ~~(e) any prescription drug, generic or brand name, that is designated as currently in shortage within~~  
27 ~~the therapeutic category of psychiatry on the current and resolved drug shortages and discontinuations list~~  
28 ~~maintained by the United States food and drug administration.~~

