

Sixty-sixth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2243

Introduced by

Senators J. Lee, Anderson, Kreun

Representatives Beadle, M. Johnson

1 A BILL for an Act to amend and reenact subsection 3 of section 50-24.6-04 of the North Dakota
2 Century Code, relating to prior authorization for medical assistance.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Subsection 3 of section 50-24.6-04 of the North Dakota
5 Century Code is amended and reenacted as follows:

6 3. a. For individuals twenty-one years of age and older, except for quantity limits that
7 may be no less than the pharmaceutical manufacturer's package insert, brand
8 name drugs with a generic equivalent drug for which the cost to the state
9 postrebate is less than the brand name drugs, in the aggregate, or generic drugs
10 with a brand name equivalent drug for which the cost to the state postrebate is
11 less than the generic drug, the department may not prior authorize the following
12 medication classes:

13 (1) Antipsychotics;

14 (2) Antidepressants;

15 (3) Anticonvulsants;

16 (4) Antiretrovirals, for the treatment of human immunodeficiency virus; ~~and~~

17 (5) Antineoplastic agents, for the treatment of cancer; and

18 (6) Stimulant medication used for the treatment of attention deficit disorder and
19 attention deficit hyperactivity disorder; except an individual who prescribes
20 the medication at a rate two times higher than the rate of the top ten
21 prescribers excluding the top prescriber may be subject to prior
22 authorization.

23 b. For individuals under twenty-one years of age, except for quantity limits that may
24 be no less than the pharmaceutical manufacturer's package insert, brand name

1 drugs with a generic equivalent drug for which the cost to the state postrebate is
2 less than the brand name drugs, in the aggregate, or generic drugs with a brand
3 name equivalent drug for which the cost to the state postrebate is less than the
4 generic drug, the department may not prior authorize the following medication
5 classes:

6 (1) [Antipsychotics](#);

7 (2) Antidepressants;

8 (3)~~(2)~~ Anticonvulsants;

9 (4)~~(3)~~ Antiretrovirals, for the treatment of human immunodeficiency virus;

10 (5)~~(4)~~ Antineoplastic agents, for the treatment of cancer; and

11 (6)~~(5)~~ Stimulant medication used for the treatment of attention deficit hyperactivity
12 disorder.

13 c. The restrictions of subdivision b do not apply for individuals under twenty-one
14 years of age, who have five or more concurrent prescriptions for psychotropic
15 medications.

16 d. Prior authorization for individuals under twenty-one years of age is required for
17 five or more concurrent prescriptions for antipsychotics, antidepressants,
18 anticonvulsants, benzodiazepines, mood stabilizers, sedative, hypnotics, or
19 medications used for the treatment of attention deficit hyperactivity disorder. The
20 department shall grant authorization to exceed the limits after a prescriber
21 requesting authorization consults with a board certified pediatric psychiatrist
22 approved by the department.

23 e. The restrictions of this subsection do not apply if prior authorization is required by
24 the centers for Medicare and Medicaid services.