

SENATE MOTION

MR. PRESIDENT:

I move that Senate Bill 364 be amended to read as follows:

- 1 Page 10, between lines 25 and 26, begin a new paragraph and
2 insert:
- 3 **"Sec. 1. If a managed care plan uses a restricted formulary of**
4 **prescription drugs, the managed care plan shall do the following:**
5 **(1) Develop the formulary in consultation with and with the**
6 **approval of a pharmacy and therapeutics committee:**
7 **(A) a majority of whose members are physicians who:**
8 **(i) have authority to prescribe drugs; and**
9 **(ii) are affiliated with the managed care plan; or**
10 **(B) that is independent of the managed care plan and**
11 **whose members are:**
12 **(i) physicians who have authority to prescribe**
13 **prescription drugs in each state where at least one**
14 **(1) of the physicians is licensed to practice**
15 **medicine; and**
16 **(ii) pharmacists who are licensed to practice**
17 **pharmacy in Indiana or another state.**
18 **(2) Establish a procedure by which an enrollee may obtain,**
19 **without penalty or additional cost sharing beyond that**
20 **provided for formulary drugs in the enrollee's contract with**
21 **the managed care plan, coverage of a specific nonformulary**
22 **drug if the provider who prescribes the drug determines**
23 **that:**
24 **(A) the formulary alternative has been ineffective in**
25 **treating the enrollee's disease or condition;**
26 **(B) the formulary alternative causes or is reasonably**
27 **expected by the prescriber to cause a harmful or adverse**
28 **reaction in the enrollee; or**
29 **(C) the provider reasonably believes that the**
30 **nonformulary alternative is medically necessary or**
31 **appropriate to treat a covered condition or disease."**
- 32 Page 10, line 26, delete "1" and insert "2".
33 Page 10, line 26, after "plan" insert "**that provides coverage for**

- 1 **drugs and devices".**
 - 2 Page 10, line 32, after "condition" insert ", **subject to the**
 - 3 **procedures in section 1 of this chapter".**
 - 4 Page 11, line 8, delete "2" and insert "**3**".
 - 5 Page 11, line 24, delete "3" and insert "**4**".
 - 6 Page 11, line 25, delete "2" and insert "**3**".
 - 7 Page 11, line 27, delete "4" and insert "**5**".
 - 8 Page 11, line 29, delete "5" and insert "**6**".
 - 9 Page 11, line 32, delete "6" and insert "**7**".
 - 10 Page 11, line 37, delete "7" and insert "**8**".
- (Reference is to SB 364 as printed January 27, 1998.)

Senator LAWSON