



January 22, 2010

SENATE BILL No. 79

DIGEST OF SB 79 (Updated January 20, 2010 1:42 pm - DI 104)

Citations Affected: IC 12-7; IC 12-15; noncode.

Synopsis: Mental health quality advisory committee. Defines "waste" for purposes of the limits the office of Medicaid policy and planning may put on drug use under the Medicaid program and the children's health insurance program. Allows the office of Medicaid policy and planning to restrict the use of certain drugs by individuals less than 18 years of age in certain circumstances.

Effective: Upon passage.

Lawson C, Gard, Breaux

January 5, 2010, read first time and referred to Committee on Health and Provider Services.
January 21, 2010, amended, reported favorably — Do Pass.

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SB 79—LS 6402/DI 14+



January 22, 2010

Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

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SENATE BILL No. 79



A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-7-2-200.4 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE UPON PASSAGE]: **Sec. 200.4. "Waste", for purposes**
4 **of IC 12-15-35.5, has the meaning set forth in IC 12-15-35.5-2.6.**

5 SECTION 2. IC 12-15-35.5-2.6 IS ADDED TO THE INDIANA
6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
7 [EFFECTIVE UPON PASSAGE]: **Sec. 2.6. As used in this chapter,**
8 **"waste" means inappropriate:**

- 9 (1) **overprescribing;**
- 10 (2) **underprescribing;**
- 11 (3) **overutilization;**
- 12 (4) **underutilization;**
- 13 (5) **recipient noncompliance with the prescribed regimen; or**
- 14 (6) **clinically unjustified utilization;**
- 15 **of a prescription drug.**

16 SECTION 3. IC 12-15-35.5-8 IS ADDED TO THE INDIANA
17 CODE AS A **NEW** SECTION TO READ AS FOLLOWS

SB 79—LS 6402/DI 14+



1 [EFFECTIVE UPON PASSAGE]: **Sec. 8. In addition to the limits**
2 **described in section 7 of this chapter, the office may restrict a**
3 **mental health drug described in section 3 of this chapter that is**
4 **prescribed for an individual who is less than eighteen (18) years of**
5 **age if federal financial participation is not available for**
6 **reimbursement for the prescription under IC 12-15-5-2.**

7 SECTION 4. **An emergency is declared for this act.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 79, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 12, delete "or".

Page 1, line 13, delete "substantial noncompliant use;" and insert **"recipient noncompliance with the prescribed regimen; or (6) clinically unjustified utilization;"**.

Page 1, line 17, delete "Upon the recommendation" and insert **"In addition to the limits described in section 7 of this chapter, the office may restrict a mental health drug described in section 3 of this chapter that is prescribed for an individual who is less than eighteen (18) years of age if federal financial participation is not available for reimbursement for the prescription under IC 12-15-5-2."**

Page 2, delete lines 1 through 10.

and when so amended that said bill do pass.

(Reference is to SB 79 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 7, Nays 0.

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