

SB161 INTRODUCED



1 SB161
2 46XZIR3-1
3 By Senator Jones
4 RFD: Healthcare
5 First Read: 11-Feb-25



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SYNOPSIS:

Under existing law, drugs covered under the Medicaid program are reviewed by a Medicaid Pharmacy and Therapeutics Committee for approval on a preferred drug list.

This bill would require that pain medications that are not opioids or narcotics and that receive approval from the U.S. Food and Drug Administration be included on the preferred drug list on terms of coverage that are no less restrictive than those given to opioid pain medications on the list.

A BILL
TO BE ENTITLED
AN ACT

Relating to Medicaid; to amend Section 22-6-123, Code of Alabama 1975, to further provide for the Medicaid preferred drug plan by requiring that nonopioid pain medications that have been approved by the U.S. Food and Drug Administration receive the same coverage as opioid pain medications.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 22-6-123, Code of Alabama 1975, is amended to read as follows:



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29 "§22-6-123

30 (a) Drugs will be considered for the Medicaid preferred
31 drug list based on clinical efficacy, side effect profiles,
32 appropriate usage, and cost effectiveness.

33 (b) The Medicaid Pharmacy and Therapeutics Committee
34 shall perform a thorough review of relevant clinical and
35 medical considerations, including, but not limited to:
36 Medicaid Drug Utilization Review (DUR) data; Surveillance
37 Utilization Review (SUR) data; potential abuse, misuse, or
38 inappropriate use in prescribing and/or dispensing patterns;
39 inconsistency with FDA approved labeling⁷; and inconsistency
40 with uses recognized in the American Hospital Formulary
41 Service Drug Information⁷ and the American Medical Association
42 Drug Evaluations, or the U.S. Pharmacopoeia Dispensing
43 Information.

44 (c) (1) For purposes of this subsection, "disadvantaged"
45 shall include, but not be limited to, the exclusion of any
46 nonopioid drug from the preferred drug list, or setting more
47 restrictive or extensive utilization controls on the nonopioid
48 drug, such as more restrictive or extensive requirements for
49 prior authorization or step therapy.

50 (2) In maintaining the preferred drug list, the
51 Medicaid Pharmacy and Therapeutics Committee shall ensure that
52 no nonopioid drug approved by the U.S. Food and Drug
53 Administration for the treatment or management of pain shall
54 be disadvantaged with respect to coverage in comparison to any
55 opioid or narcotic drug for the treatment or management of
56 pain which is included on the preferred drug list.



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57 (3) This subsection shall apply to any nonopioid drug
58 immediately upon its approval by the U.S. Food and Drug
59 Administration, regardless of whether the drug has been
60 reviewed by the Medicaid Pharmacy and Therapeutics Committee
61 for inclusion on the preferred drug list, and to any drug
62 being provided under a contract between the Medicaid Agency of
63 the State of Alabama and any integrated care network pursuant
64 to Article 11.

65 ~~(e)~~ (d) The Medicaid Pharmacy and Therapeutics Committee
66 shall recommend and the Medicaid Agency shall adopt an initial
67 Medicaid preferred drug list not later than three months after
68 June 18, 2003. Until Medicaid adopts the preferred drug list
69 required by this article, Medicaid shall continue to use its
70 existing voluntary preferred drug list and prior authorization
71 program. Drugs that currently require Medicaid prior
72 authorization shall not be subject to review for inclusion on
73 the preferred drug list and shall continue to require prior
74 authorization unless the Medicaid Pharmacy and Therapeutics
75 Committee recommends and the Medicaid Commissioner approves
76 changing the requirement.

77 ~~(d)~~ (e) Medicaid recipients may appeal prior
78 authorization decisions using the Medicaid fair hearing
79 process administered by the Alabama Medicaid Agency.
80 Physicians may appeal prior authorization decisions to
81 Medicaid's Medical Directors."

82 Section 2. This act shall become effective on October
83 1, 2025.