

AMENDMENT
OFFERED BY MR. BUYER OF INDIANA

Add at the end of title V the following:

1 **SEC. 5007. IMPROVING PATIENT OUTCOMES THROUGH**
2 **GREATER RELIANCE ON SCIENCE AND BEST**
3 **PRACTICES.**

4 (a) IN GENERAL.—Section 1927 of Social Security
5 Act (42 U.S.C. 1396r–8) is amended—

6 (1) in subsection (d)(5)—

7 (A) in the matter before subparagraph (A),
8 by striking “providing for such approval—” and
9 inserting “providing such approval meets the
10 following requirements:”;

11 (B) in subparagraph (A)—

12 (i) by inserting “The system” before
13 “provides”; and

14 (ii) by striking “; and” and inserting
15 a period;

16 (C) in subparagraph (B)—

17 (i) by striking “except” and inserting
18 “Except”; and

19 (ii) by inserting “the system” before
20 “provides”; and

1 (D) by adding at the end the following new
2 subparagraphs:

3 “(C) The system provides that an
4 antidepressant, antipsychotic, anticonvulsant,
5 immunosuppressant, anticancer, or HIV/AIDS
6 agent single source drug may be placed on a list
7 of drugs subject to prior authorization only
8 where drug use review board has determined,
9 based on the strength of the scientific evidence
10 and standards of practice, including assessing
11 peer-reviewed medical literature,
12 pharmacoeconomic studies, outcomes research
13 data and other information as the board deter-
14 mines to be appropriate, that placing the drug
15 on prior approval or otherwise imposing restric-
16 tions on its use is not likely to harm patients
17 or increase overall medical costs.

18 “(D) The system provides that where a re-
19 sponse is not received to a request for author-
20 ization of an antidepressant, antipsychotic,
21 anticonvulsant, immunosuppressant, anticancer,
22 and HIV/AIDS agent drug prescribed within 24
23 hours after the prescription is transmitted, pay-
24 ment is made for a 30-day supply of a medica-

1 tion that the prescriber certifies in is medically
2 necessary.”; and

3 (2) in subsection (g)(3)(C), by inserting after
4 clause (iii) the following new clause:

5 “(iv) The development and oversight
6 of prior authorization programs described
7 in subsection (d)(5).”.

8 (b) EFFECTIVE DATE.—The amendments made by
9 subsection (a) shall take effect on January 1, 2010.



