

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 1226

By: Cain of the Senate

and

Blackburn of the House

COMMITTEE SUBSTITUTE

[ public health and safety - Narrow Therapeutic Index  
Drugs Act - Medicaid Drug Utilization Review Board  
- codification -

emergency ]

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1421.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

Sections 1 through 3 of this act shall be known and may be cited as the "Narrow Therapeutic Index Drugs Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1421.2 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. As used in this act, "narrow therapeutic index drugs" means those pharmaceuticals having a narrowly defined range between risk and benefit, and that are used in the treatment of a number of disease states including, but not limited to, arrhythmia, stroke, epilepsy, asthma and depression.

B. The Medicaid Drug Utilization Review (DUR) Board, created in Section 5030.1 of Title 63 of the Oklahoma Statutes, shall initially determine a list of narrow therapeutic index drugs. Thereafter, the DUR Board shall annually, on or before December 31 of each year, determine any necessary additions or deletions to such list. The DUR Board shall disseminate the list of narrow therapeutic index drugs and any subsequent changes in the list to the State Board of Medical Licensure and Supervision, the State Board of Osteopathic Examiners, and the State Board of Pharmacy for dissemination to their licensees.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1421.3 of Title 63, unless there is created a duplication in numbering, reads as follows:

A prescription for a drug that appears on the list of narrow therapeutic index drugs shall only be refilled using the same drug product, by the same manufacturer, that the pharmacist last dispensed under such prescription, unless the prescribing entity is notified by the pharmacist prior to the dispensing of another manufacturer's product, and the prescribing entity and the patient provide documented consent to the dispensing of the other manufacturer's product. For purposes of this subsection, the term "refilled" shall include a new prescription written upon the expiration of a prescription which continues the patient's therapy on a narrow therapeutic index drug.

SECTION 4. AMENDATORY Section 2, Chapter 161, O.S.L. 1995, as amended by Section 4, Chapter 221, O.S.L. 1996, and as renumbered by Section 7, Chapter 221, O.S.L. 1996 (63 O.S. Supp. 1997, Section 5030.1), is amended to read as follows:

Section 5030.1 A. There is hereby created within the Oklahoma Health Care Authority the Medicaid Drug Utilization Review (DUR) Board, which shall be responsible for the implementation of retrospective and prospective drug utilization programs under the

direction of the Authority, and for determination of a listing of narrow therapeutic index drugs pursuant to the provisions of Section 2 of this act.

B. The DUR Board shall consist of ten (10) members appointed by the administrator of the Authority as follows:

1. Four physicians, licensed and actively engaged in the practice of medicine or osteopathic medicine in this state, of which:

- a. three shall be physicians chosen from a list of not less than six names submitted by the Oklahoma State Medical Association, and
- b. one shall be a physician chosen from a list of not less than two names submitted by the Oklahoma Osteopathic Association;

2. Four licensed pharmacists actively engaged in the practice of pharmacy, chosen from a list of not less than six names submitted by the Oklahoma Pharmaceutical Association;

3. One person representing the lay community, who shall not be a physician or a pharmacist, but shall be a health care professional with recognized knowledge and expertise in at least one of the following:

- a. clinically appropriate prescribing of covered outpatient drugs,
- b. clinically appropriate dispensing and monitoring of covered outpatient drugs,
- c. drug use review, evaluation and intervention, and
- d. medical quality assurance; and

4. One person representing the pharmaceutical industry who is a resident of the State of Oklahoma, chosen from a list of not less than two names submitted by the Pharmaceutical Research and Manufacturers of America.

C. Members shall serve terms of three (3) years, except that one physician, one pharmacist and the lay representative shall each be initially appointed for two-year terms in order to stagger the terms. In making the appointments, the administrator shall provide, to the extent possible, for geographic balance in the representation on the DUR Board. Members may be reappointed for a period not to exceed three three-year terms and one partial term. Vacancies on the Board shall be filled for the balance of the unexpired term from new lists submitted by the entity originally submitting the list for the position vacated.

D. The Board shall elect from among its members a chair and a vice-chair who shall serve one-year terms, provided they may succeed themselves.

E. The proceedings of all meetings of the Board shall comply with the provisions of the Oklahoma Open Meeting Act and shall be subject to the provisions of Article I of the Administrative Procedures Act.

F. The DUR Board may advise and make recommendations to the Authority regarding existing, proposed and emergency rules governing retrospective and prospective drug utilization programs. The Oklahoma Health Care Authority Board shall promulgate rules pursuant to the provisions of Article I of the Administrative Procedures Act for implementation of the provisions of this section.

SECTION 5. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

46-2-2761

CJ

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