STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

HOUSE JOINT
RESOLUTION HJR1030 By: Sweeden

AS INTRODUCED

A Joint Resolution relating to a proposed emergency rule of the Oklahoma Health Care Authority; disapproving proposed emergency rule OAC 317:30-5-77.3, which relates to a supplemental drug rebate program and the product-based prior authorization program; declaring legislative intent; directing distribution; and declaring an emergency.

WHEREAS, pursuant to Sections 250.2 and 308 of Title 75 of the Oklahoma Statutes, the Legislature reserves the right to designate the method for rule promulgation, establish policy, determine that a rule is not consistent with legislative intent and disapprove any rule or any portion thereof at any time; and

WHEREAS, pursuant to Sections 5003 through 5016 of Title 63 of the Oklahoma Statutes, the Oklahoma Health Care Authority shall be responsible for the administration of the Oklahoma Medicaid Program; and

WHEREAS, proposed emergency rule OAC 317:30-5-77.3 establishes a state supplemental drug rebate program within the existing product-based prior authorization program; and

WHEREAS, the Legislature recognizes that proposed emergency rule OAC 317:30-5-77.3, adopted by the Oklahoma Health Care Authority Board on April 10, 2003, submitted to the Governor and the Legislature for consideration on April 11, 2003, is inconsistent with legislative intent, exceeds the statutory authority of the Oklahoma Health Care Authority Board, violates state statute and violates the public policy of this state.

NOW, THERFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 1ST SESSION OF THE 49TH OKLAHOMA LEGISLATURE:

SECTION 1. The Legislature hereby disapproves emergency rules OAC 317:30-5-77.3.

SECTION 2. Pursuant to Section 5030.5 of Title 63 of the Oklahoma Statutes, the Oklahoma Health Care Authority Board and the Medicaid Drug Utilization Review Board shall consider the potential impact of any administrative delay on patient care and any potential fiscal impact of prior authorization on pharmacy, physician, hospitalization and outpatient costs in formulating recommendations for placement of a drug or drug class in the product-based prior authorization program. The Legislature hereby declares that participation in a state supplemental drug rebate program shall not be properly considered as an exception to the product-based prior authorization program. The Legislature believes that inclusion and exception to the product-based prior authorization program should be based upon clinical efficacy of the proposed drug and the effect such prior authorization shall have on patient care.

SECTION 3. The Secretary of State is hereby directed to distribute copies of this resolution to the Governor, the Administrator of the Oklahoma Health Care Authority, and the Editor of "The Oklahoma Register".

SECTION 4. 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.

49-1-6806 EAP 04/23/03