

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 SENATE BILL 1422

By: Johnson (Constance)

4  
5  
6 AS INTRODUCED

7 An Act relating to drug prior authorizations;  
8 requiring drug prior authorization programs to be  
9 accessible electronically; clarifying reference;  
10 prohibiting certain devices from using certain means  
11 to influence specified persons; requiring certain  
12 compliance; permitting certain software to show  
13 specified information; requiring certain advisory  
14 board to establish specified plan; requiring certain  
15 report; providing for codification; and providing an  
16 effective date.

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

18 SECTION 1. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 355.4 of Title 59, unless there  
20 is created a duplication in numbering, reads as follows:

21 A. On or before August 1, 2013, a drug prior authorization  
22 program shall be accessible to a health care provider through the  
23 provider's electronic prescribing software system and shall be  
24 accepted electronically through a secure electronic transmission by  
the payer, the insurance company, or by the pharmacy benefit manager  
responsible for implementing or adjudicating or for implementing and  
adjudicating the authorization or denial of the prior authorization

1 request. For purposes of this section, a facsimile shall not be  
2 considered an electronic transmission.

3 B. On or before August 1, 2013, electronic transmission devices  
4 used to communicate a prescription to a pharmacist shall not use any  
5 means or permit any other person to use any means, including  
6 advertising, commercial messaging, and pop-up advertisements, to  
7 influence or attempt to influence through economic incentives the  
8 prescribing decision of a prescribing practitioner at the point of  
9 care. Such means shall not be triggered by or be in specific  
10 response to the input, selection, or act of a prescribing  
11 practitioner or the prescribing practitioner's staff in prescribing  
12 a certain pharmaceutical or directing a patient to a certain  
13 pharmacy. Any electronic communication sent to the prescriber,  
14 including advertising, commercial messaging, or pop-up advisements,  
15 shall be consistent with the product label, supported by scientific  
16 evidence, and meet the federal Food and Drug Administration  
17 requirements for advertising pharmaceutical products.

18 C. Electronic prescribing software may show information  
19 regarding a payer's formulary if the software is not designed to  
20 preclude or make more difficult the act of a prescribing  
21 practitioner or patient selecting any particular pharmacy or  
22 pharmaceutical.

23 D. The Health Information Infrastructure Advisory Board created  
24 pursuant to Section 1-131 of Title 63 of the Oklahoma Statutes shall

1 establish a plan on how to best standardize drug prior authorization  
2 request transactions between providers and payers, insurance  
3 companies, and pharmacy benefit managers responsible for  
4 adjudicating the authorization or denial of the prescription  
5 request. The plan shall be designed with the goal of maximizing  
6 administrative simplification and efficiency in preparation for  
7 electronic transmissions and alignment with standards that are or  
8 will be potentially used nationally.

9 E. The Health Information Infrastructure Advisory Board shall  
10 provide a written report to the President Pro Tempore of the Senate,  
11 the Speaker of the House of Representatives and the Governor on or  
12 before June 30, 2013, which explains the plan on how to best  
13 standardize drug prior authorization request transactions.

14 SECTION 2. This act shall become effective November 1, 2012.

15

16 53-2-2761 JM 1/18/2012 11:46:09 AM

17

18

19

20

21

22

23

24