

Requested by Senator GELSER

**PROPOSED AMENDMENTS TO
SENATE BILL 558**

1 Delete lines 4 through 29 of the printed bill and insert:

2 **“SECTION 1.** ORS 743A.062 is amended to read:

3 **“743A.062. (1) As used in this section, ‘medical assistance program’**
4 **means the state program that provides medical assistance as defined**
5 **in ORS 414.025.**

6 **“[(1)] (2) [No] An** insurance policy or contract providing coverage for a
7 prescription drug to a resident of this state **[shall] may not:**

8 **“(a) Exclude coverage of [that] the** drug for a particular indication solely
9 on the grounds that the indication has not been approved by the United
10 States Food and Drug Administration if the Health Evidence Review Com-
11 mission established under ORS 414.688 or the Pharmacy and Therapeutics
12 Committee established under ORS 414.353 determines that the drug is recog-
13 nized as effective for the treatment of that indication:

14 **“[(a)] (A) In** publications that the commission or the committee deter-
15 mines to be equivalent to:

16 **“[(A)] (i) The** American Hospital Formulary Service drug information;

17 **“[(B)] (ii) ‘Drug Facts and Comparisons’** (Lippincott-Raven Publishers);

18 **“[(C)] (iii) The** United States Pharmacopoeia drug information; or

19 **“[(D)] (iv) Other** publications that have been identified by the United
20 States Secretary of Health and Human Services as authoritative;

21 **“[(b)] (B) In** the majority of relevant peer-reviewed medical literature; or

1 “[(c)] (C) By the United States Secretary of Health and Human
2 Services[.]; or

3 **“(b) For an insured who is enrolled in the medical assistance pro-
4 gram:**

5 **“(A) Require a prescription for the drug to be filled or refilled at a
6 mail order pharmacy; or**

7 **“(B) Prohibit a prescription for the drug from being filled or refilled
8 at a local pharmacy that is not an enrolled provider in the medical
9 assistance program.**

10 “[(2)] (3) Required coverage of a prescription drug under this section shall
11 include coverage for medically necessary services associated with the ad-
12 ministration of that drug.

13 “[(3)] (4) Nothing in this section requires coverage for any prescription
14 drug if the United States Food and Drug Administration has determined use
15 of the drug to be contraindicated.

16 “[(4)] (5) Nothing in this section requires coverage for experimental drugs
17 not approved for any indication by the United States Food and Drug Ad-
18 ministration.

19 “[(5)] (6) This section is exempt from ORS 743A.001.”.

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