

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) Except as provided in subsection (3) of this section, require a  
6 prescription for the drug to be filled or refilled at a mail order phar-  
7 macy; or**

8        **“(B) Require a prescription for the drug to be filled or refilled at a  
9 pharmacy that is not a local pharmacy enrolled in the medical assist-  
10 ance program.**

11        **“(3) Subsection (2)(b)(A) does not prohibit an insurer from requiring  
12 a medical assistance recipient to fill or refill a prescription for a spe-  
13 cialty drug at a mail order pharmacy that is a specialty pharmacy.**

14        “[2] (4) Required coverage of a prescription drug under this section shall  
15 include coverage for medically necessary services associated with the ad-  
16 ministration of that drug.

17        “[3] (5) Nothing in this section requires coverage for any prescription  
18 drug if the United States Food and Drug Administration has determined use  
19 of the drug to be contraindicated.

20        “[4] (6) Nothing in this section requires coverage for experimental drugs  
21 not approved for any indication by the United States Food and Drug Ad-  
22 ministration.

23        “[5] (7) This section is exempt from ORS 743A.001.”.

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