

On page 1, line 1, of the Introduced bill, after "establish" insert " coverage"

On page 1, line 4, of the Introduced bill, after "Dakota:" delete "Section 1. That a NEW SECTION be added to chapter 28-6:
"

On page 1, line 5, of the Introduced bill, after "28-6:" delete "The Department of Social Services shall establish a preferred drug list for the medical assistance program. The department may amend the preferred drug list at any time.

When establishing or amending the preferred drug list, the department shall ensure that a non-opioid drug approved by the United States Food and Drug Administration for the treatment or management of pain is not disadvantaged or discouraged with respect to coverage relative to any opioid or narcotic drug for the treatment or management of pain on the preferred drug list.

This section applies to a non-opioid drug immediately upon its approval by the United States Food and Drug Administration for the treatment or management of pain, regardless of whether the drug has been reviewed by the department for inclusion on the preferred drug list."

On page 1, line 18, of the Introduced bill, delete "In establishing and maintaining its formulary, any insurer offering a " and insert "A "

On page 1, line 18, of the Introduced bill, after "policy" delete " or certificate"

On page 1, line 21, of the Introduced bill, delete " ensure that a" and insert " provide coverage for a broad spectrum of pain management medications, including"

On page 1, line 21, of the Introduced bill, after "non-opioid" insert " drug options that are alternatives to opioid drugs, if prescribed by a health care provider authorized to prescribe the drug.

A policy of health insurance that is delivered, issued for delivery, or renewed in this state, or any self-funded employee benefit plan, to the extent not preempted by federal law, may not, for coverage relative to pain management medications, establish utilization controls, including prior authorization or step therapy requirements, for a clinically appropriate non-opioid"

On page 1, line 22, of the Introduced bill, delete " is not disadvantaged or discouraged with respect to coverage relative to" and insert ", which are more restrictive or extensive than the least restrictive or extensive utilization controls applicable to"

On page 1, line 23, of the Introduced bill, after "any" insert " clinically appropriate"

On page 1, line 23, of the Introduced bill, delete " or narcotic drug for the treatment or management of pain on the formulary" and insert " drug.

The benefits provided in this section are subject to the same dollar limits, deductible, coinsurance, and other restrictions established for other benefits covered by the policy or plan"

On page 2, line 1, of the Introduced bill, after "formulary." delete "This section applies to a non-opioid drug immediately upon its approval by the United States Food and Drug Administration for the treatment or management of pain, regardless of whether the drug has been reviewed for inclusion on the formulary."

On page 2, line 4, of the Introduced bill, after "formulary." delete "Section 3. That a NEW SECTION be added to chapter 58-17:
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On page 2, line 5, of the Introduced bill, after "58-17:" delete "When a health care professional prescribes a non-opioid drug for the treatment of or management of pain, a health insurer, or a self-funded employee benefit plan, to the extent not preempted by federal law, may not deny coverage of the non-opioid drug in favor of an opioid drug.

If a policy or certificate of health insurance delivered, issued for delivery, or renewed in this state, or a self-funded employee benefit plan, to the extent not preempted by federal law, restricts coverage of a non-opioid drug for the treatment or management of pain, the prescribing health care professional must be granted an exception to the restriction, if the professional confirms that, based on the professional's clinical judgment, the non-opioid drug is appropriate for the patient's treatment."