

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 24-0735.01 Chelsea Princell x4335

SENATE BILL 24-110

SENATE SPONSORSHIP

Rodriguez and Kirkmeyer,

HOUSE SPONSORSHIP

(None),

Health & Human Services
Appropriations

A BILL FOR AN ACT

101 **CONCERNING PROHIBITING PRIOR AUTHORIZATION FOR**
102 **ANTIPSYCHOTIC PRESCRIPTION DRUGS USED TO TREAT A**
103 **MENTAL HEALTH CONDITION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill prohibits the department of health care policy and financing from requiring prior authorization for an antipsychotic prescription drug used to treat a mental health disorder or mental health condition.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds that:

4 (a) Nearly a quarter million Coloradan adults live with a mental
5 health disorder or mental health condition like schizophrenia or bipolar
6 disorder, yet less than half of the adult population in the state of Colorado
7 receives appropriate treatment and care;

8 (b) Access to appropriate treatment, including prescription drugs,
9 leads to better outcomes for individuals living with serious mental health
10 disorders;

11 (c) Individuals living with schizophrenia who are subject to
12 formulary restrictions are more likely to be hospitalized and incur 23%
13 higher inpatient costs compared to individuals living with schizophrenia
14 who are not subject to inpatient costs. Similar effects are observed for
15 individuals living with bipolar disorder.

16 (d) Prior authorization requirements for antipsychotic prescription
17 drugs are associated with a 22% increase in the likelihood of
18 imprisonment; and

19 (e) Policies that have formulary restrictions, including prior
20 authorization, step therapy protocols, and fail first requirements, may
21 diminish access to necessary prescription drugs and ultimately result in
22 significant human, economic, and social costs.

23 (2) Therefore, the general assembly declares that access to
24 antipsychotic prescription drugs to treat mental health disorders or mental
25 health conditions must be available without excessive access restrictions
26 for Coloradans receiving care through the state medical assistance

1 program.

2 SECTION 2. In Colorado Revised Statutes, **add** 25.5-5-517 as
3 follows:

4 **25.5-5-517. Prescription drugs for treating mental health**
5 **disorders or conditions - prior authorization - rules - definitions.**

6 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
7 REQUIRES:

8 (a) "MENTAL HEALTH DISORDER OR MENTAL HEALTH CONDITION"
9 REFERS TO THE MENTAL HEALTH DISORDERS DESCRIBED IN THE MOST
10 RECENT EDITION OF THE DIAGNOSTIC AND STATISTICAL MANUAL OF
11 MENTAL DISORDERS.

12 (b) "PRESCRIPTION DRUG" HAS THE SAME MEANING AS SET FORTH
13 IN SECTION 12-280-103.

14 (c) "UNSUCCESSFULLY TREATED" REFERS TO THE CLINICALLY
15 APPROPRIATE GUIDELINES USED TO DETERMINE A PATIENT'S FAILURE ON
16 A MEDICATION AND MAY INCLUDE A LACK OF EFFICACY DURING A
17 SIX-WEEK MEDICATION TRIAL, AN ALLERGIC REACTION, INTOLERABLE SIDE
18 EFFECTS, SIGNIFICANT DRUG-TO-DRUG INTERACTIONS, OR A KNOWN
19 INTERACTING GENETIC POLYMORPHISM THAT PREVENTS SAFE PREFERRED
20 MEDICATION DOSING AS ATTESTED TO BY THE PROVIDER.

21 (2) THE STATE DEPARTMENT SHALL NOT REQUIRE AN ADULT TO BE
22 PRESCRIBED AN ANTIPSYCHOTIC PRESCRIPTION DRUG THAT IS INCLUDED
23 ON THE PREFERRED DRUG LIST AND USED TO TREAT A MENTAL HEALTH
24 DISORDER OR MENTAL HEALTH CONDITION, AS INDICATED ON FEDERALLY
25 APPROVED LABELS, IF:

26 (a) DURING THE PRECEDING THREE HUNDRED SIXTY-FIVE DAYS,
27 THE ADULT WAS PRESCRIBED AND UNSUCCESSFULLY TREATED WITH AN

1 ANTIPSYCHOTIC PRESCRIPTION DRUG THAT IS INCLUDED ON THE
2 PREFERRED DRUG LIST AND USED TO TREAT A MENTAL HEALTH DISORDER
3 OR MENTAL HEALTH CONDITION AND FOR WHICH A SINGLE CLAIM IS PAID;
4 OR

5 (b) THE ADULT IS STABLE ON AN ANTIPSYCHOTIC DRUG USED TO
6 TREAT A MENTAL HEALTH DISORDER OR MENTAL HEALTH CONDITION THAT
7 IT NOT INCLUDED ON THE PREFERRED DRUG LIST.

8 (3) THIS SECTION APPLIES TO A FEE-FOR-SERVICE MEDICAL
9 ASSISTANCE PLAN AND A HEALTH MAINTENANCE ORGANIZATION THAT HAS
10 A CONTRACT WITH THE STATE DEPARTMENT AND PROVIDES COVERAGE FOR
11 PRESCRIPTION DRUGS.

12 (4) THIS SECTION DOES NOT PROHIBIT THE STATE DEPARTMENT
13 FROM CONTRACTING WITH A MANAGED CARE ORGANIZATION FOR
14 PHARMACEUTICAL SERVICES OFFERED UNDER THE STATE MEDICAL
15 ASSISTANCE PROGRAM PURSUANT TO THIS ARTICLE 5 AND ARTICLES 4 AND
16 6 OF THIS TITLE 25.5, IF THE CONTRACT COMPLIES WITH THIS SECTION.

17 (5) THIS SECTION DOES NOT PROHIBIT OR DISCOURAGE THE USE OF
18 A GENERIC DRUG.

19 (6) THIS SECTION DOES NOT PREVENT THE STATE DEPARTMENT
20 FROM PERFORMING A DRUG UTILIZATION REVIEW THAT IS NECESSARY FOR
21 PATIENT SAFETY OR TO ENSURE THE PRESCRIBED USE IS FOR A MEDICALLY
22 ACCEPTED INDICATION, AS REQUIRED BY SECTION 1927 OF THE FEDERAL
23 "SOCIAL SECURITY ACT OF 1935".

24 (7) THIS SECTION DOES NOT PREVENT THE STATE DEPARTMENT
25 FROM REQUIRING THE PRESCRIBING PROVIDER TO ELECTRONICALLY
26 ATTEST THAT THE ADULT MEETS THE REQUIREMENTS OF SUBSECTION
27 (2)(a) OR (2)(b) OF THIS SECTION PRIOR TO PROVIDING COVERAGE FOR AN

1 ANTIPSYCHOTIC DRUG USED TO TREAT A MENTAL HEALTH DISORDER OR
2 MENTAL HEALTH CONDITION THAT IS NOT INCLUDED ON THE PREFERRED
3 DRUG LIST. THE ATTESTATION MUST BE AUTOMATICALLY PROCESSED AND
4 MUST AUTOMATICALLY OVERRIDE THE PREFERRED DRUG COVERAGE
5 REQUIREMENT UPON THE ATTESTATION BEING MADE.

6 **SECTION 3. Safety clause.** The general assembly finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, or safety or for appropriations for
9 the support and maintenance of the departments of the state and state
10 institutions.