



Rep. Gregory Harris

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LRB100 14436 KTG 39200 a

1 AMENDMENT TO HOUSE BILL 4096

2 AMENDMENT NO. _____. Amend House Bill 4096 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Public Aid Code is amended by
5 changing Section 5-16.11 as follows:

6 (305 ILCS 5/5-16.11)

7 Sec. 5-16.11. Uniform standards applied to managed care
8 organizations ~~entities~~.

9 (a) As used in this Section:

10 "Drug class" means a set of medications that have similar
11 chemical structures, the same mechanism of action (such as
12 binding to the same biological target), a related mode of
13 action, the same method of delivery (such as one pill per day),
14 or that are used to treat the same disease.

15 "Clinician" means an individual licensed by the State of
16 Illinois to prescribe or dispense drugs.

1 (b) Any Medicaid managed care organization entity
2 providing services under this Code shall use a pharmacy
3 formulary that is no more restrictive by drug class than the
4 Illinois Department's preferred drug list. Beginning January
5 1, 2019 and continuing through January 1, 2022, the Illinois
6 Department shall require each Medicaid managed care
7 organization to list as preferred on the Medicaid managed care
8 organization's preferred drug list at least the same number,
9 and no fewer, of drugs per drug class as are listed on the
10 Illinois Department's preferred drug list. ~~pharmaceutical~~
11 ~~program.~~

12 (c) The Illinois Department shall not prohibit, or adopt
13 any rules or policies that prohibit, a Medicaid managed care
14 organization from: (i) covering additional drugs that are not
15 listed on the Illinois Department's preferred drug list; (ii)
16 submitting all covered drugs listed on the Illinois
17 Department's preferred drug list and additional drugs covered
18 by the Medicaid managed care organization as qualified
19 encounters to be used for appropriate purposes, including, but
20 not limited to, quality scores, risk adjustments, and rate
21 development, as long as the encounter data is submitted with
22 proper formatting criteria; or (iii) removing from the Medicaid
23 managed care organization's preferred drug list any prior
24 approval requirements, step therapy, or other utilization
25 controls applicable under the Illinois Department's preferred
26 drug list.

1 (d) The Illinois Department shall not require a Medicaid
2 managed care organization to utilize a single, statewide
3 preferred drug list and shall not prohibit a plan from
4 negotiating drug pricing concessions or rebates on any drug
5 with pharmaceutical companies, unless otherwise required by
6 federal law.

7 (e) No later than January 1, 2019, the Illinois Department
8 shall develop a standardized format for all Medicaid managed
9 care organization preferred drug lists in collaboration with
10 Medicaid managed care organizations and other stakeholders,
11 including, but not limited to, organizations that serve
12 individuals impacted by HIV/AIDS or epilepsy, and
13 community-based organizations, providers, and entities with
14 expertise in drug formulary development.

15 (f) Following development of the standardized Preferred
16 Drug List format, the Illinois Department shall allow Medicaid
17 managed care organizations 6 months from the date of completion
18 to comply with the new Preferred Drug List format. Each
19 Medicaid managed care organization must post its preferred drug
20 list on its website without restricting access and must update
21 the preferred drug list posted on its website. Medicaid managed
22 care organizations shall publish updates to their preferred
23 drug lists no less than 30 days prior to the date upon which
24 any update or change takes effect, including, but not limited
25 to, any and all changes to requirements for prior approval
26 requirements, step therapy, or other utilization controls.

1 (g) (1) No later than January 1, 2019, the Illinois
2 Department shall establish and maintain the Illinois Pharmacy
3 and Therapeutics Advisory Board. The Board shall have the
4 authority and responsibility to provide recommendations to the
5 Illinois Department regarding which drug products to list on
6 the Illinois Department's preferred drug list. The Illinois
7 Department shall provide administrative support to the Board
8 and the Board shall:

9 (A) convene and meet no less than once per calendar
10 quarter;

11 (B) provide regular opportunities for public comment;
12 and

13 (C) comply with the provisions of the Open Meetings
14 Act.

15 All correspondence related to the Board, including
16 correspondence to and from Board members, shall be subject to
17 the Freedom of Information Act.

18 (2) The Board shall consist of the following voting
19 members, all of whom shall be appointed by the Governor and
20 shall serve terms of 3 years without compensation:

21 (A) one pharmacist licensed to practice pharmacy in
22 Illinois who is recommended by a statewide organization
23 representing pharmacists;

24 (B) 4 physicians, recommended by a statewide
25 organization representing physicians, who are licensed to
26 practice medicine in all its branches in Illinois, have

1 knowledge of and adhere to best practice standards, and
2 have experience treating Illinois Medicaid beneficiaries;

3 (C) 2 clinicians representing health care advocacy
4 organizations that serve individuals who are affected by
5 chronic diseases that require significant pharmaceutical
6 treatments;

7 (D) one clinician representing the Illinois
8 Department; and

9 (E) one licensed psychiatrist, recommended by a
10 statewide organization representing psychiatrists, who has
11 experience treating Illinois Medicaid beneficiaries.

12 One non-voting clinician representing each Medicaid health
13 plan operating within the State shall be invited to participate
14 and advise the Board on its recommendations to the Illinois
15 Department.

16 Organizations interested in nominating non-voting
17 clinicians to advise the Board may submit requests to
18 participate to the Illinois Department.

19 (h) The Illinois Department shall adopt rules, to be in
20 place no later than January 1, 2019, for the purpose of
21 establishing and maintaining the Board.

22 (Source: P.A. 92-370, eff. 8-15-01.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law."