



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4777

Introduced 2/6/2024, by Rep. Lindsey LaPointe

SYNOPSIS AS INTRODUCED:

305 ILCS 5/5-55 new

Amends the Medical Assistance Article of the Illinois Public Aid Code. Provides that, notwithstanding any provision of law to the contrary, whenever a licensed health care practitioner prescribes a nonopioid medication for the treatment of acute pain, neither the Department of Healthcare and Family Services nor a managed care organization contracted with the Department shall deny coverage of the nonopioid prescription drug in favor of an opioid prescription drug or require a patient to try an opioid prescription drug prior to providing coverage of the nonopioid prescription drug. Provides that in establishing and maintaining the Illinois Medicaid Preferred Drug List, the Department shall ensure that no nonopioid drug approved by the U.S. Food and Drug Administration for the treatment or management of pain shall be disadvantaged or discouraged with respect to coverage relative to any opioid or narcotic drug for the treatment or management of pain on the Illinois Medicaid Preferred Drug List, where impermissible disadvantaging or discouragement includes, without limitation: designating any such nonopioid drug as a nonpreferred drug if any opioid or narcotic drug is designated as a preferred drug; or establishing more restrictive or more extensive utilization controls, including, but not limited to, more restrictive or more extensive prior authorization or step therapy requirements, for such nonopioid drug than the least restrictive or extensive utilization controls applicable to any such opioid or narcotic drug. Makes the provisions of the amendatory Act applicable to (i) a nonopioid drug immediately upon its approval by the U.S. Food and Drug Administration for the treatment or management of pain, regardless of whether such drug has been reviewed by the Department for inclusion on the Illinois Medicaid Preferred Drug List and (ii) drugs provided under a contract between the Department and a managed care organization.

LRB103 37189 KTG 67308 b

1 AN ACT concerning public aid.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Public Aid Code is amended by
5 adding Section 5-55 as follows:

6 (305 ILCS 5/5-55 new)

7 Sec. 5-55. Coverage for nonopioid medications; pain relief
8 parity.

9 (a) Required coverage for nonopioid medications.
10 Notwithstanding any provision of law to the contrary, whenever
11 a licensed health care practitioner prescribes a nonopioid
12 medication for the treatment of acute pain, neither the
13 Department nor a managed care organization contracted with the
14 Department shall deny coverage of the nonopioid prescription
15 drug in favor of an opioid prescription drug or require a
16 patient to try an opioid prescription drug prior to providing
17 coverage of the nonopioid prescription drug.

18 (b) Pain relief parity. In establishing and maintaining
19 the Illinois Medicaid Preferred Drug List, the Department
20 shall ensure that no nonopioid drug approved by the U.S. Food
21 and Drug Administration for the treatment or management of
22 pain shall be disadvantaged or discouraged with respect to
23 coverage relative to any opioid or narcotic drug for the

1 treatment or management of pain on the Illinois Medicaid
2 Preferred Drug List, where impermissible disadvantaging or
3 discouragement includes, without limitation: designating any
4 such nonopioid drug as a nonpreferred drug if any opioid or
5 narcotic drug is designated as a preferred drug; or
6 establishing more restrictive or more extensive utilization
7 controls, including, but not limited to, more restrictive or
8 more extensive prior authorization or step therapy
9 requirements, for such nonopioid drug than the least
10 restrictive or extensive utilization controls applicable to
11 any such opioid or narcotic drug.

12 This subsection applies to a nonopioid drug immediately
13 upon its approval by the U.S. Food and Drug Administration for
14 the treatment or management of pain, regardless of whether
15 such drug has been reviewed by the Department for inclusion on
16 the Illinois Medicaid Preferred Drug List. This subsection
17 also applies to drugs provided under a contract between the
18 Department and a managed care organization.