

**AMENDMENT**  
**OFFERED BY MR. BUYER OF INDIANA**

Add at the end of title V the following:

1 **SEC. 5007. IMPROVING PATIENT OUTCOMES THROUGH**  
2 **GREATER RELIANCE ON SCIENCE AND BEST**  
3 **PRACTICES.**

4 (a) IN GENERAL.—Section 1927 of Social Security  
5 Act (42 U.S.C. 1396r–8) is amended—

6 (1) in subsection (d)(5)—

7 (A) in the matter before subparagraph (A),  
8 by striking “providing for such approval—” and  
9 inserting “providing such approval meets the  
10 following requirements:”;

11 (B) in subparagraph (A)—

12 (i) by inserting “The system” before  
13 “provides”; and

14 (ii) by striking “; and” and inserting  
15 a period;

16 (C) in subparagraph (B)—

17 (i) by striking “except” and inserting  
18 “Except”; and

19 (ii) by inserting “the system” before  
20 “provides”; and

1 (D) by adding at the end the following new  
2 subparagraphs:

3 “(C) The system provides that an  
4 antidepressant, antipsychotic, anticonvulsant,  
5 immunosuppressant, anticancer, or HIV/AIDS  
6 agent single source drug may be placed on a list  
7 of drugs subject to prior authorization only  
8 where drug use review board has determined,  
9 based on the strength of the scientific evidence  
10 and standards of practice, including assessing  
11 peer-reviewed medical literature,  
12 pharmacoeconomic studies, outcomes research  
13 data and other information as the board deter-  
14 mines to be appropriate, that placing the drug  
15 on prior approval or otherwise imposing restric-  
16 tions on its use is not likely to harm patients  
17 or increase overall medical costs.

18 “(D) The system provides that where a re-  
19 sponse is not received to a request for author-  
20 ization of an antidepressant, antipsychotic,  
21 anticonvulsant, immunosuppressant, anticancer,  
22 and HIV/AIDS agent drug prescribed within 24  
23 hours after the prescription is transmitted, pay-  
24 ment is made for a 30-day supply of a medica-

1           tion that the prescriber certifies in is medically  
2           necessary.”; and

3           (2) in subsection (g)(3)(C), by inserting after  
4           clause (iii) the following new clause:

5                           “(iv) The development and oversight  
6                           of prior authorization programs described  
7                           in subsection (d)(5).”.

8           (b) EFFECTIVE DATE.—The amendments made by  
9           subsection (a) shall take effect on January 1, 2010.



