

**Table C-1. Overview: “Brand Necessary” Requirements in State Medicaid Generic Substitution and Prescription Reimbursement Cap Laws\***

State	Generic Substitution Law <i>Requires provider's handwritten signature, or handwritten designation</i>	Generic Substitution Law <i>Does not require a specific means of "indicating"</i>	Generic Substitution Law <i>Electronic specification expressly permitted</i>	Prescription Reimbursement Cap Law <i>Requires provider's handwritten signature, or handwritten designation</i>	Prescription Reimbursement Cap Law <i>Does not require a specific means of "indicating"</i>	Prescription Reimbursement Cap Law <i>Electronic specification expressly permitted</i>
Alabama	—	—	—	—	—	—
Alaska	—	—	—	—	—	•
Arizona	—	•	—	—	—	—
Arkansas	—	—	—	—	—	—
California	—	—	•	—	—	—
Colorado	—	—	—	—	—	—
Connecticut	• <sup>(1)</sup>	—	•	—	—	—
Delaware	•	—	—	—	—	—
District of Columbia	—	—	—	—	—	—
Florida	—	—	—	—	—	—
Georgia	—	—	—	—	—	—
Guam	—	—	—	—	—	—
Hawaii	—	—	•	—	—	—
Idaho	—	—	—	—	•	—
Illinois	—	—	—	—	—	—
Indiana	—	—	•	—	—	—
Iowa	—	—	—	—	—	—
Kansas	—	—	—	• <sup>(2)</sup>	—	—
Kentucky	•	—	—	—	—	—

(continued)

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Louisiana	•	—	—	—	—	—
Maine	—	—	—	—	—	—
Maryland	—	—	—	•	—	—
Massachusetts	—	—	—	•	—	—
Michigan	—	—	—	—	—	—
Minnesota	—	—	—	—	—	—
Mississippi	•	—	—	• <sup>(3)</sup>	—	—
Missouri	—	—	—	—	—	—
Montana	—	—	—	•	—	—
Nebraska	—	—	—	•	—	—
Nevada	—	—	—	—	—	—
New Hampshire	—	—	—	•	—	—
New Jersey	•	—	—	•	—	—
New Mexico	—	—	—	•	—	—
New York	—	—	—	•	—	—
North Carolina	—	•	—	—	—	—
North Dakota	—	—	—	•	—	—
Ohio	—	—	—	—	•	—
Oklahoma	•	—	—	—	—	—

(continued)

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Oregon	—	—	—	—	—	—
Pennsylvania	—	—	—	•	—	—
Puerto Rico	—	—	—	—	—	—
Rhode Island	—	—	—	•	—	—
South Carolina	—	—	—	—	—	—
South Dakota	—	—	—	—	—	—
Tennessee	—	—	—	—	—	—
Texas	• <sup>(4)</sup>	—	—	•	—	—
Utah	•	—	—	• <sup>(5)</sup>	—	—
Vermont	—	•	—	•	—	—
Virgin Islands	—	—	—	—	—	—
Virginia	—	—	—	—	—	• <sup>(6)</sup>
Washington	—	•	—	—	—	—
West Virginia	—	—	—	—	—	—
Wisconsin	—	•	—	—	—	—
Wyoming	—	•	—	•	—	—

\* Includes only statutory and regulatory provisions. Does not include materials from Medicaid manuals. The fact that there is no information recorded for a state (i.e., its row contains an em dash [—]) indicates that no relevant statutes or regulations were located but does not mean that there are no such requirements specified in a state Medicaid manual.

<sup>(1)</sup> If the provider specifies “Brand Medically Necessary” for a Medicaid prescription by telephonic or other electronic communication that did not reproduce the practitioner’s handwriting, a written certificate in the practitioner’s handwriting must be sent to the dispensing pharmacy within 10 days. Conn. Gen. Stat. § 20-619 (2009).

- (2) Requires that provider has “personally written dispense as written or has signed name on the “dispense as written” signature line. Kan. Stat. Ann. § 39-7,121e (2008).
- (3) Prescriber must indicate brand necessary on a written or faxed prescription—context seems to indicate that visual image is required. 13-000-011 Miss. Code R. 31.11 (2008).
- (4) To prohibit substitution on an electronic prescription drug order, the practitioner must fax a copy of the original written prescription. 22 Tex. Admin. Code § 309.3 (2009).
- (5) Provider must write medically necessary on prescription. Utah Admin. Code r. R414-60B-4(2) (2008).
- (6) Permits provider to specify brand necessary “in accordance with 42 CFR § 447.331(c) [now recodified at 42 C.F.R. § 447.512 (2008)].