

Senate Bill 341

By: Senators Kirkpatrick of the 32nd, Watson of the 1st, Burke of the 11th, Hufstetler of the 52nd, Au of the 48th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 46 of Title 33 of the Official Code of Georgia Annotated,
2 relating to the prior authorizations of healthcare services, so as to provide guidelines for the
3 prior authorization of a prescribed medication for chronic conditions requiring ongoing
4 medication therapy under certain circumstances; to provide for related matters; to provide
5 for an effective date and applicability; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 2 of Chapter 46 of Title 33 of the Official Code of Georgia Annotated, relating to the
9 prior authorizations of healthcare services, is amended by adding a new Code section to read
10 as follows:

11 "33-46-23.1.

12 (a) As used in this Code section, the term:

13 (1) 'Chronic condition' means a serious, long-term, physical, mental, or developmental
14 disability or disease.

(2) 'Ongoing medication therapy' means a clinical and evidence-based treatment that uses a prescribed medicine to prevent, diagnose, treat, or relieve the symptoms of a chronic condition and is continuing or expected to continue for at least a year.

(b) Unless otherwise provided in subsection (c) of this Code section or prohibited by state or federal law, if a healthcare provider receives a prior authorization for a medication prescribed to a covered person with a chronic condition that requires ongoing medication therapy, and the provider continues to prescribe the medication, and the medication is used for a condition that is within the scope of use approved by the United States Food and Drug Administration or has been proven to be a safe and effective form of treatment for the patient's specific underlying condition based on clinical practice guidelines that are developed from peer-reviewed publications, the prior authorization received shall:

(1) Be valid for the lesser of:

(A) One year from the date the healthcare provider receives the prior authorization; or

(B) Until the last day of coverage under the covered person's healthcare plan; and

(2) Cover any change in dosage prescribed by the healthcare provider during the period of authorization.

(c)(1) This Code section shall not apply to:

(A) Medications that are prescribed for a nonmaintenance condition;

(B) Medications that have a typical treatment period of less than 12 months;

(C) Medications for which medical or scientific evidence does not support a 12 month approval; or

(D) Medications that are opioid analgesics or benzodiazepines.

(2) Nothing in this Code section prevents the prior authorization of a medication for more than a year if permissible by the covered person's healthcare plan."

SECTION 2.

42

SECTION 3.

43 All laws and parts of laws in conflict with this Act are repealed.