

House Amendment to
Senate File 313

S-3292

1 Amend Senate File 313, as passed by the Senate, as
2 follows:

3 1. Page 1, before line 1 by inserting:

4 <DIVISION I

5 MEDICAL ASSISTANCE — GENERAL PROVISIONS>

6 2. Page 5, after line 10 by inserting:

7 <Sec. ____ . Section 249J.24A, subsection 1, Code
8 2011, is amended to read as follows:

9 1. A nonparticipating provider may be reimbursed
10 for covered expansion population services provided to
11 an expansion population member ~~by a nonparticipating~~
12 ~~provider if the nonparticipating provider contacts the~~
13 ~~appropriate participating provider prior to providing~~
14 ~~covered services to verify consensus regarding one of~~
15 ~~the following courses of action if any of the following~~
16 ~~conditions is met:~~

17 ~~a. If the nonparticipating provider and the~~
18 ~~participating provider agree that the medical status~~
19 ~~of the expansion population member indicates it~~
20 ~~is medically possible to postpone provision of~~
21 ~~services, the nonparticipating provider shall direct~~
22 ~~the expansion population member to the appropriate~~
23 ~~participating provider for services.~~

24 ~~b. a.~~ If the nonparticipating provider and the
25 participating provider agree determines that the
26 medical status of the expansion population member
27 indicates it is not medically possible advisable to
28 postpone provision of services, the nonparticipating
29 provider shall provide medically necessary services.

30 ~~e. b.~~ If the nonparticipating provider and the
31 participating provider agree that transfer of the
32 expansion population member is not possible due to lack
33 of available inpatient capacity, the nonparticipating
34 provider shall provide medically necessary services.

35 ~~d. c.~~ If the medical status of the expansion
36 population member indicates a medical emergency and the
37 nonparticipating provider is not able to contact the
38 appropriate participating provider prior to providing
39 medically necessary services, the nonparticipating
40 provider shall document the medical emergency
41 and inform the appropriate participating provider
42 immediately after the member has been stabilized of any
43 covered services provided.

44 Sec. ____ . Section 249J.24A, subsection 2, paragraph
45 a, Code 2011, is amended to read as follows:

46 a. If the nonparticipating provider meets
47 the requirements specified in subsection 1, the
48 nonparticipating provider shall be reimbursed for
49 covered expansion population services, limited to
50 emergency and other inpatient hospital services

1 provided to the expansion population member up to the
2 point of transfer to another provider, discharge,
3 or transfer to another level of care, through the
4 nonparticipating provider reimbursement fund in
5 accordance with rules adopted by the department of
6 human services. However, any funds received from
7 participating providers, appropriated to participating
8 providers, or deposited in the IowaCare account
9 pursuant to section 249J.24, shall not be transferred
10 or appropriated to the nonparticipating provider
11 reimbursement fund or otherwise used to reimburse
12 nonparticipating providers.>

13 3. Page 5, after line 10 by inserting:
14 <Sec. _____. Section 514I.5, subsection 3, Code 2011,
15 is amended to read as follows:

16 3. Members appointed by the governor shall
17 serve two-year staggered terms as designated by the
18 governor, and legislative members of the board shall
19 serve two-year terms. The filling of positions
20 reserved for the public representatives, vacancies,
21 membership terms, payment of compensation and expenses,
22 and removal of the members are governed by chapter
23 69. Members of the board are entitled to receive
24 reimbursement of actual expenses incurred in the
25 discharge of their duties. Public members of the
26 board are also eligible to receive compensation as
27 provided in section 7E.6. A majority of the voting
28 members constitutes a quorum and the affirmative vote
29 of a majority of the voting members is necessary for
30 any substantive action to be taken by the board. The
31 members shall select a chairperson on an annual basis
32 from among the membership of the board.>

33 4. Page 5, after line 10 by inserting:

34 <DIVISION II

35 MEDICAID PRESCRIPTION DRUGS

36 Sec. _____. Section 249A.20A, subsection 4, Code
37 2011, is amended to read as follows:

38 4. With the exception of drugs prescribed for the
39 treatment of human immunodeficiency virus or acquired
40 immune deficiency syndrome, transplantation, or cancer
41 and drugs prescribed for mental illness with the
42 exception of drugs and drug compounds that do not
43 have a significant variation in a therapeutic profile
44 or side effect profile within a therapeutic class,
45 prescribing and dispensing of prescription drugs not
46 included on the preferred drug list shall be subject to
47 prior authorization.

48 Sec. _____. 2010 Iowa Acts, chapter 1031, section
49 348, is amended to read as follows:

50 SEC. 348. MEDICAID NONPREFERRED DRUG LIST

1 PRESCRIBING.

2 ~~1.~~ The department shall adopt rules pursuant
3 to chapter 17A to restrict physicians and other
4 prescribers to prescribing not more than a 72-hour
5 or three-day supply of a prescription drug not
6 included on the medical assistance preferred drug list
7 while seeking approval to continue prescribing the
8 medication.

9 ~~2.~~ ~~Notwithstanding subsection 1, the department~~
10 ~~shall adopt rules pursuant to chapter 17A to restrict a~~
11 ~~physician or other prescriber prescribing a chemically~~
12 ~~unique mental health prescription drug to prescribing~~
13 ~~not more than a seven-day supply of the prescription~~
14 ~~drug while requesting approval to continue to prescribe~~
15 ~~the medication. The rules shall provide that if~~
16 ~~an approval or disapproval is not received by the~~
17 ~~physician or other prescriber within 48 hours of the~~
18 ~~request, the request is deemed approved.~~

19 Sec. _____. REPEAL. 2010 Iowa Acts, chapter 1031,
20 section 349, is repealed.

21 Sec. _____. RESCINDING AND ADOPTION OF RULES. The
22 department of human services shall rescind the rules
23 adopted pursuant to 2010 Iowa Acts, chapter 1031,
24 section 347, chapter 1031, section 349, subsection
25 2, and chapter 1031, section 349, and shall instead
26 adopt emergency rules under section 17A.4, subsection
27 3, and section 17A.5, subsection 2, paragraph "b",
28 to implement section 249A.20A, as amended in this
29 division of this Act, and the rules shall be effective
30 immediately upon filing and retroactively applicable to
31 January 1, 2011, unless a later date is specified in
32 the rules. Any rules adopted in accordance with this
33 section shall also be published as a notice of intended
34 action as provided in section 17A.4.

35 Sec. _____. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
36 APPLICABILITY. This division of this Act, being deemed
37 of immediate importance, takes effect upon enactment
38 and applies retroactively to January 1, 2011.>

39 5. Title page, line 2, after <provisions> by
40 inserting <and providing effective date and retroactive
41 applicability provisions>

42 6. By renumbering as necessary.