SB0147

LRB095 04329 DRJ 27146 b

95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0147

Introduced 1/31/2007, by Sen. Deanna Demuzio

SYNOPSIS AS INTRODUCED:

New Act	
5 ILCS 140/7	from Ch. 116, par. 207
305 ILCS 5/5-5.12	from Ch. 23, par. 5-5.12

Creates the Pharmaceutical Best Price Buying Initiative Act and amends the Freedom of Information Act and the Illinois Public Aid Code. Creates the Pharmaceutical Best Price Buying Initiative Program. Requires the Department of Healthcare and Family Services to negotiate prescription drug discount agreements with drug manufacturers to provide discounts for drugs purchased by pharmacies and drug wholesalers participating in the program. Provides discount benchmarks. Provides that any drug manufacturer, and any individual or entity licensed under the Pharmacy Practice Act of 1987 or the Wholesale Drug Distribution Licensing Act, may participate in the program. Sets forth terms that must be included in the agreements, including provisions for rebates to participating pharmacies and drug wholesalers. Requires the Department to establish the procedures and enabling mechanisms for a program participant to obtain rebates from a prescription drug manufacturer. Provides for confidentiality of information in connection with negotiations and agreements. Provides that on August 1, 2010, the Department shall determine whether manufacturer participation in the program has been sufficient to meet certain benchmarks. Provides for a prior authorization requirement under Medicaid with respect to drugs of a manufacturer under certain conditions. Effective immediately.

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FISCAL NOTE ACT
MAY APPLY

A BILL FOR

AN ACT concerning State government.

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

Section 1. Short title. This Act may be cited as the Pharmaceutical Best Price Buying Initiative Act.

Section 5. Definitions. In this Act:

"Average manufacturer's price" has the meaning given to the term in Section 1927(k)(1) of the Social Security Act (42 U.S.C. 1396r-8(k)(1)).

"Department" means the Department of Healthcare and Family Services.

"Designated retirement systems" means:

(1) the State Employees' Retirement System of Illinois;

(2) the Teachers' Retirement System of the State of Illinois;

(3) the State Universities Retirement System;

(4) the Judges Retirement System of Illinois; and

(5) the General Assembly Retirement System.

"Manufacturer" means any individual or entity engaged in the manufacturing, preparing, propagating, compounding, processing, packaging, repackaging, or labeling of a prescription drug.

"Medicaid best price" has the meaning given to the term in Section 1927(c)(1)(C) of the Social Security Act (42 U.S.C. 1396r-8(c)(1)(C))

"Multiple-source drug" has the meaning given to the term in Section 1927(k)(7) of the Social Security Act (42 U.S.C. 1396r-8(k)(7)).

"National sales data" means prescription data obtained from a national-level prescription tracking service.

"Prescription drug" means any drug that bears the legend: "Caution: federal law prohibits dispensing without prescription", "Rx only", or words of similar import.

"Program" means the Pharmaceutical Best Price Buying Initiative Program created under this Act.

"Program participant" means any individual, partnership, association, corporation, or other entity licensed under the Pharmacy Practice Act of 1987 or the Wholesale Drug Distribution Licensing Act that choose to participate in the program.

"Single-source drug" has the meaning given to the term in Section 1927(k)(7) of the Social Security Act (42 U.S.C. 1396r-8(k)(7)).

"Volume-weighted average discount" means the aggregated average discount for the drugs of a manufacturer, weighted by each drug's percentage of the total prescription volume of that manufacturer's drugs. Drugs excluded from contracting by the Department, pursuant to and in a manner consistent with this

Act, shall be excluded from the calculation of the volume-weighted average discount. National sales data shall be used to calculate the volume-weighted average discount pursuant to Section 10. Program utilization data shall be used to calculate the volume-weighted average discount pursuant to Section 15.

Section 10. Pharmaceutical Best Price Buying Initiative Program.

(a) The Pharmaceutical Best Price Buying Initiative Program is created. Under the program, the Department shall negotiate prescription drug discount agreements with manufacturers to provide discounts for single-source and multiple-source prescription drugs purchased by program participants. The Department shall attempt to negotiate the maximum possible prescription drug discount, which discount shall be available to all program participants.

(b) The Department shall attempt to negotiate, with each manufacturer, discounts to offer single-source prescription drugs under the program at a volume-weighted average discount that is equal to or below any one of the following benchmark prices:

(1) Eighty-five percent of the average manufacturer price for a drug, as published by the Centers for Medicare and Medicaid Services.

(2) The lowest price provided to any nonpublic entity

in the State by a manufacturer to the extent that the Medicaid best price exists under federal law.

(3) The Medicaid best price, to the extent that this price exists under federal law.

(c) The Department may require a manufacturer to provide information that is reasonably necessary for the Department to carry out the provisions of this Act.

(d) The Department shall pursue manufacturer discount agreements to ensure that the number and type of drugs available through the program is sufficient to give program participants a prescription drug formulary comparable to the State Medicaid Plan list of contract drugs or, if this information is available to the Department, a prescription drug formulary that is comparable to that provided to enrollees in any of the designated retirement systems.

(e) To obtain the most favorable discounts, the Department may limit the number of drugs available through the program.

(f) The drug discount agreements negotiated pursuant to this Section shall be used to reduce the cost of drugs purchased by program participants.

(g) Except as otherwise provided in Section 35, all information reported by a manufacturer to the Department, and all information concerning a manufacturer's negotiations with and agreements executed with the Department, pursuant to this Section shall be considered confidential and corporate proprietary information. This information is not subject to

disclosure under the Freedom of Information Act. The Auditor General may use this information only to investigate or audit the administration of the program. Neither the Auditor General nor the Department may disclose this information in a form that identifies (i) a specific manufacturer or (ii) prices charged for drugs of a specific manufacturer. Information provided to the Department pursuant to this Act shall not be affected by the confidentiality protections established by this subsection (g).

(h) Any manufacturer, and any individual or entity licensed under the Pharmacy Practice Act of 1987 or the Wholesale Drug Distribution Licensing Act, may participate in the program. The Department shall maintain a list of all manufacturers with which it has entered into agreements under this Act and all program participants.

(i) The Department may adopt any rules necessary for implementing and administering the program.

Section 15. Terms of prescription drug discount agreements.

(a) Each prescription drug discount agreement entered into between the Department and a manufacturer under this Act shall do all of the following:

(1) Specify which of the manufacturer's drugs are included in the agreement.

(2) Permit the Department to remove a drug from the

agreement if there is a dispute over the drug's utilization.

(3) Permit a manufacturer to audit claims for the drugs the manufacturer provides under the program.

(b) In addition to the requirements of subsection (a), each prescription drug discount agreement with a single-source manufacturer shall do all of the following:

(1) Require the manufacturer to make a rebate payment to a program participant for each drug described in paragraph (1) of subsection (a) sold to a program participant, upon the participant's submission of an invoice to the manufacturer in the form and manner provided for in the agreement.

(2) Require the manufacturer to make rebate payments to program participants on at least a quarterly basis.

(3) Require the manufacturer to provide, upon request, documentation to validate the rebate.

(c) A prescription drug discount agreement may provide for prospective rebates from single-source manufacturers to program participants. The amount of the prospective rebate shall be specified in the agreement.

(d) A manufacturer shall calculate and pay interest on late or unpaid rebates. The interest shall not apply to any prior-period adjustments of unit rebate amounts. For rebate payments under the program, manufacturers shall calculate and pay interest on late or unpaid rebates for quarters that begin

on or after July 1, 2007.

(e) Interest required by subsection (d) shall begin accruing 38 calendar days after the date that a program participant mails an invoice to the manufacturer, including supporting utilization data sent to the manufacturer. Interest shall continue to accrue until the date the manufacturer mails the rebate payment. For purposes of this Section, interest shall be calculated at a rate of 10% per annum.

Section 20. Manufacturer rebates to program participants. The Department shall adopt rules establishing the procedures and enabling mechanisms for a program participant to obtain rebates from a prescription drug manufacturer according to the terms of the prescription drug discount agreement negotiated by the Department with that manufacturer. The procedures and enabling mechanisms shall enable a program participant to receive a rebate directly from the manufacture and in a timely manner. As used in this Section, "in a timely manner" means within 30 days after the program participant submits "Proof of Service" documentation to the manufacturer in accordance with the rules.

Section 25. Program assessment.

(a) On August 1, 2010, the Department shall determine whether manufacturer participation in the program has been sufficient to meet both of the following benchmarks:

(1) The number and type of prescription drugs available through the program are sufficient to give program participants a prescription drug formulary comparable to the State Medicaid Plan list of contract drugs or, if this information is available to the Department, a prescription drug formulary comparable to that provided to enrollees in any of the designated retirement systems.

(2) The volume-weighted average discount of single-source prescription drugs offered pursuant to the program is equal to or below any one of the benchmark prices described in subsection (a) of Section 10.

(b) On and after August 10, 2010, the Department shall reassess program outcomes, at least once every year, consistent with the benchmarks described in subsection (a).

Section 30. Prior approval.

(a) The Department may require prior approval under the medical assistance program under Article V of the Illinois Public Aid Code for any prescription drug of a manufacturer if the manufacturer fails to agree to a volume-weighted average discount for single-source prescription drugs that is equal to or below any one of the benchmark prices described in subsection (a) of Section 10 and only to the extent that this requirement does not increase costs to the medical assistance program, as determined pursuant to subsection (c) of this Section. This Section does not apply, however, to any drug

described in subsection (d) of Section 5-5.12 of the Illinois Public Aid Code.

(b) If prior approval is required for a prescription drug pursuant to this Section, a recipient of medical assistance under Article V of the Illinois Public Aid Code shall not be denied the continued use of a drug that is part of a prescribed therapy until that drug is no longer prescribed for that recipient's therapy. The Department shall approve or deny requests for prior approval necessitated by this Section as required by State or federal law.

(c) The Department, in consultation with the Department of Central Management Services, shall determine the fiscal impact of placing a drug on prior approval status pursuant to this Section. In making this determination, the Department shall consider all of the following:

(1) The net cost of the drug, including any rebates that would be lost if the drug is placed on prior approval status.

(2) The projected volume of purchases of the drug, before and after the drug is placed on prior approval status, considering the continuity of care provisions set forth in subsection (b).

(3) The net cost of comparable drugs to which volume would be shifted if a drug is placed on prior approval status, including any additional rebates that would be received.

(4) The projected volume of purchases of comparable drugs, before and after the drug is placed on prior approval status.

(5) Any other factors determined by the Department to be relevant to a determination of the fiscal impact of placing a drug on prior approval status.

(d) This Section shall be implemented only to the extent permitted under federal law, and in a manner consistent with State and federal laws.

(e) This Section may apply to any manufacturer that has not negotiated a prescription drug discount agreement with the Department.

(f) The Department shall notify the Speaker of the House of Representatives and the President of the Senate that the Department is requiring prior approval no later than 5 days after imposing such a requirement.

(g) This Section shall become operative on August 1, 2010, except that this Section shall become operative on that date only if the Department determines that participation by manufacturers has been insufficient to meet both of the benchmarks identified in subsection (a) of Section 25.

Section 35. Names of manufacturers public information. The names of manufacturers of single-source drugs that do or do not enter into prescription drug discount agreements with the Department under this Act shall be public information and shall

be posted on the Department's Internet Web site when the discount agreements are reached or the manufacturer ends negotiations, commencing within 6 months after the initial implementation date of this Act and updated on the first day of each month thereafter.

Section 90. The Freedom of Information Act is amended by changing Section 7 as follows:

(5 ILCS 140/7) (from Ch. 116, par. 207)

Sec. 7. Exemptions.

(1) The following shall be exempt from inspection and copying:

(a) Information specifically prohibited from disclosure by federal or State law or rules and regulations adopted under federal or State law.

(b) Information that, if disclosed, would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy. Information exempted under this subsection (b) shall include but is not limited to:

(i) files and personal information maintained with respect to clients, patients, residents, students or

other individuals receiving social, medical, educational, vocational, financial, supervisory or custodial care or services directly or indirectly from federal agencies or public bodies;

(ii) personnel files and personal information maintained with respect to employees, appointees or elected officials of any public body or applicants for those positions;

(iii) files and personal information maintained with respect to any applicant, registrant or licensee by any public body cooperating with or engaged in professional or occupational registration, licensure or discipline;

(iv) information required of any taxpayer in connection with the assessment or collection of any tax unless disclosure is otherwise required by State statute;

(v) information revealing the identity of persons who file complaints with or provide information to administrative, investigative, law enforcement or penal agencies; provided, however, that identification of witnesses to traffic accidents, traffic accident reports, and rescue reports may be provided by agencies of local government, except in a case for which a criminal investigation is ongoing, without constituting a clearly unwarranted per se invasion of

personal privacy under this subsection; and

(vi) the names, addresses, or other personal information of participants and registrants in park district, forest preserve district, and conservation district programs.

(c) Records compiled by any public body for administrative enforcement proceedings and any law enforcement or correctional agency for law enforcement purposes or for internal matters of a public body, but only to the extent that disclosure would:

(i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency;

(ii) interfere with pending administrative enforcement proceedings conducted by any public body;

(iii) deprive a person of a fair trial or an impartial hearing;

(iv) unavoidably disclose the identity of a confidential source or confidential information furnished only by the confidential source;

(v) disclose unique or specialized investigative techniques other than those generally used and known or disclose internal documents of correctional agencies related to detection, observation or investigation of incidents of crime or misconduct;

(vi) constitute an invasion of personal privacy under subsection (b) of this Section;

(vii) endanger the life or physical safety of law enforcement personnel or any other person; or

(viii) obstruct an ongoing criminal investigation.

(d) Criminal history record information maintained by State or local criminal justice agencies, except the following which shall be open for public inspection and copying:

(i) chronologically maintained arrest information, such as traditional arrest logs or blotters;

(ii) the name of a person in the custody of a law enforcement agency and the charges for which that person is being held;

(iii) court records that are public;

(iv) records that are otherwise available under State or local law; or

(v) records in which the requesting party is the individual identified, except as provided under part (vii) of paragraph (c) of subsection (1) of this Section.

"Criminal history record information" means data identifiable to an individual and consisting of descriptions or notations of arrests, detentions, indictments, informations, pre-trial proceedings, trials, or other formal events in the criminal justice system or

descriptions or notations of criminal charges (including criminal violations of local municipal ordinances) and the nature of any disposition arising therefrom, including sentencing, court or correctional supervision, rehabilitation and release. The term does not apply to statistical records and reports in which individuals are not identified and from which their identities are not ascertainable, or to information that is for criminal investigative or intelligence purposes.

(e) Records that relate to or affect the security of correctional institutions and detention facilities.

(f) Preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body. The exemption provided in this paragraph (f) extends to all those records of officers and agencies of the General Assembly that pertain to the preparation of legislative documents.

(g) Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or information are proprietary, privileged or confidential, or where disclosure of the trade secrets or information may cause competitive harm, including:

(i) All information determined to be confidential

under Section 4002 of the Technology Advancement and Development Act.

(ii) All trade secrets and commercial or financial information obtained by a public body, including a public pension fund, from a private equity fund or a privately held company within the investment portfolio of a private equity fund as a result of either investing or evaluating a potential investment of public funds in a private equity fund. The exemption contained in this item does not apply to the aggregate financial performance information of a private equity fund, nor to the identity of the fund's managers or general partners. The exemption contained in this item does not apply to the identity of a privately held company within the investment portfolio of a private equity fund, unless the disclosure of the identity of a privately held company may cause competitive harm.

Nothing contained in this paragraph (g) shall be construed to prevent a person or business from consenting to disclosure.

(h) Proposals and bids for any contract, grant, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contractor agreement with the body, until an award or final selection is made. Information prepared by or for the body in preparation of a bid solicitation shall be exempt until an

award or final selection is made.

(i) Valuable formulae, computer geographic systems, designs, drawings and research data obtained or produced by any public body when disclosure could reasonably be expected to produce private gain or public loss. The exemption for "computer geographic systems" provided in this paragraph (i) does not extend to requests made by news media as defined in Section 2 of this Act when the requested information is not otherwise exempt and the only purpose of the request is to access and disseminate information regarding the health, safety, welfare, or legal rights of the general public.

(j) Test questions, scoring keys and other examination data used to administer an academic examination or determined the qualifications of an applicant for a license or employment.

(k) Architects' plans, engineers' technical submissions, and other construction related technical documents for projects not constructed or developed in whole or in part with public funds and the same for projects constructed or developed with public funds, but only to the extent that disclosure would compromise security, including but not limited to water treatment facilities, airport facilities, sport stadiums, convention centers, and all government owned, operated, or occupied buildings.

(l) Library circulation and order records identifying library users with specific materials.

(m) Minutes of meetings of public bodies closed to the public as provided in the Open Meetings Act until the public body makes the minutes available to the public under Section 2.06 of the Open Meetings Act.

(n) Communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil or administrative proceeding upon the request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of public bodies.

(o) Information received by a primary or secondary school, college or university under its procedures for the evaluation of faculty members by their academic peers.

(p) Administrative or technical information associated with automated data processing operations, including but not limited to software, operating protocols, computer program abstracts, file layouts, source listings, object modules, load modules, user guides, documentation pertaining to all logical and physical design of computerized systems, employee manuals, and any other information that, if disclosed, would jeopardize the security of the system or its data or the security of

materials exempt under this Section.

(q) Documents or materials relating to collective negotiating matters between public bodies and their employees or representatives, except that any final contract or agreement shall be subject to inspection and copying.

(r) Drafts, notes, recommendations and memoranda pertaining to the financing and marketing transactions of the public body. The records of ownership, registration, transfer, and exchange of municipal debt obligations, and of persons to whom payment with respect to these obligations is made.

(s) The records, documents and information relating to real estate purchase negotiations until those negotiations have been completed or otherwise terminated. With regard to a parcel involved in a pending or actually and reasonably contemplated eminent domain proceeding under the Eminent Domain Act, records, documents and information relating to that parcel shall be exempt except as may be allowed under discovery rules adopted by the Illinois Supreme Court. The records, documents and information relating to a real estate sale shall be exempt until a sale is consummated.

(t) Any and all proprietary information and records related to the operation of an intergovernmental risk management association or self-insurance pool or jointly self-administered health and accident cooperative or pool.

(u) Information concerning a university's adjudication of student or employee grievance or disciplinary cases, to the extent that disclosure would reveal the identity of the student or employee and information concerning any public body's adjudication of student or employee grievances or disciplinary cases, except for the final outcome of the cases.

(v) Course materials or research materials used by faculty members.

(w) Information related solely to the internal personnel rules and practices of a public body.

(x) Information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of a public body responsible for the regulation or supervision of financial institutions or insurance companies, unless disclosure is otherwise required by State law.

(y) Information the disclosure of which is restricted under Section 5-108 of the Public Utilities Act.

(z) Manuals or instruction to staff that relate to establishment or collection of liability for any State tax or that relate to investigations by a public body to determine violation of any criminal law.

(aa) Applications, related documents, and medical records received by the Experimental Organ Transplantation Procedures Board and any and all documents or other records

prepared by the Experimental Organ Transplantation Procedures Board or its staff relating to applications it has received.

(bb) Insurance or self insurance (including any intergovernmental risk management association or self insurance pool) claims, loss or risk management information, records, data, advice or communications.

(cc) Information and records held by the Department of Public Health and its authorized representatives relating to known or suspected cases of sexually transmissible disease or any information the disclosure of which is restricted under the Illinois Sexually Transmissible Disease Control Act.

(dd) Information the disclosure of which is exempted under Section 30 of the Radon Industry Licensing Act.

(ee) Firm performance evaluations under Section 55 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act.

(ff) Security portions of system safety program plans, investigation reports, surveys, schedules, lists, data, or information compiled, collected, or prepared by or for the Regional Transportation Authority under Section 2.11 of the Regional Transportation Authority Act or the St. Clair County Transit District under the Bi-State Transit Safety Act.

(gg) Information the disclosure of which is restricted

and exempted under Section 50 of the Illinois Prepaid Tuition Act.

(hh) Information the disclosure of which is exempted under the State Officials and Employees Ethics Act.

(ii) Beginning July 1, 1999, information that would disclose or might lead to the disclosure of secret or confidential information, codes, algorithms, programs, or private keys intended to be used to create electronic or digital signatures under the Electronic Commerce Security Act.

(jj) Information contained in a local emergency energy plan submitted to a municipality in accordance with a local emergency energy plan ordinance that is adopted under Section 11-21.5-5 of the Illinois Municipal Code.

(kk) Information and data concerning the distribution of surcharge moneys collected and remitted by wireless carriers under the Wireless Emergency Telephone Safety Act.

(ll) Vulnerability assessments, security measures, and response policies or plans that are designed to identify, prevent, or respond to potential attacks upon a community's population or systems, facilities, or installations, the destruction or contamination of which would constitute a clear and present danger to the health or safety of the community, but only to the extent that disclosure could reasonably be expected to jeopardize the effectiveness of

the measures or the safety of the personnel who implement them or the public. Information exempt under this item may include such things as details pertaining to the mobilization or deployment of personnel or equipment, to the operation of communication systems or protocols, or to tactical operations.

(mm) Maps and other records regarding the location or security of a utility's generation, transmission, distribution, storage, gathering, treatment, or switching facilities.

(nn) Law enforcement officer identification information or driver identification information compiled by a law enforcement agency or the Department of Transportation under Section 11-212 of the Illinois Vehicle Code.

(oo) Records and information provided to a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act.

(pp) Information provided to the predatory lending database created pursuant to Article 3 of the Residential Real Property Disclosure Act, except to the extent authorized under that Article.

(qq) Defense budgets and petitions for certification of compensation and expenses for court appointed trial counsel as provided under Sections 10 and 15 of the Capital

Crimes Litigation Act. This subsection (qq) shall apply until the conclusion of the trial of the case, even if the prosecution chooses not to pursue the death penalty prior to trial or sentencing.

(rr) Information concerning prescription drug discount agreements entered into under the Pharmaceutical Best Price Buying Initiative Act or negotiations with respect to such agreements, as provided in subsection (g) of Section 10 of that Act.

(2) This Section does not authorize withholding of information or limit the availability of records to the public, except as stated in this Section or otherwise provided in this Act.

(Source: P.A. 93-43, eff. 7-1-03; 93-209, eff. 7-18-03; 93-237, eff. 7-22-03; 93-325, eff. 7-23-03, 93-422, eff. 8-5-03; 93-577, eff. 8-21-03; 93-617, eff. 12-9-03; 94-280, eff. 1-1-06; 94-508, eff. 1-1-06; 94-664, eff. 1-1-06; 94-931, eff. 6-26-06; 94-953, eff. 6-27-06; 94-1055, eff. 1-1-07; revised 8-3-06.)

Section 92. The Illinois Public Aid Code is amended by changing Section 5-5.12 as follows:

(305 ILCS 5/5-5.12) (from Ch. 23, par. 5-5.12)

Sec. 5-5.12. Pharmacy payments.

(a) Every request submitted by a pharmacy for reimbursement

under this Article for prescription drugs provided to a recipient of aid under this Article shall include the name of the prescriber or an acceptable identification number as established by the Department.

(b) Pharmacies providing prescription drugs under this Article shall be reimbursed at a rate which shall include a professional dispensing fee as determined by the Illinois Department, plus the current acquisition cost of the prescription drug dispensed. The Illinois Department shall update its information on the acquisition costs of all prescription drugs no less frequently than every 30 days. However, the Illinois Department may set the rate of reimbursement for the acquisition cost, by rule, at a percentage of the current average wholesale acquisition cost.

(c) (Blank).

(d) The Department shall not impose requirements for prior approval based on a preferred drug list for anti-retroviral, anti-hemophilic factor concentrates, or any atypical antipsychotics, conventional antipsychotics, or anticonvulsants used for the treatment of serious mental illnesses until 30 days after it has conducted a study of the impact of such requirements on patient care and submitted a report to the Speaker of the House of Representatives and the President of the Senate. <u>The Department may impose requirements for prior approval as provided in Section 30 of the Pharmaceutical Best Price Buying Initiative Act.</u>

(Source: P.A. 93-106, eff. 7-8-03; 94-48, eff. 7-1-05.)

Section 99. Effective date. This Act takes effect upon becoming law.