

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 744

AMENDMENT NO. A14
(to be filled in by
Principal Clerk)

S744-AME-60 [v.6]

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Comm. Sub. [YES]
Amends Title [NO]
Fifth Edition

Date _____, 2014

Representative Murry

1 moves to amend the bill on page 97, line 36, by inserting the following after that line:

2
3 **"SUBSTITUTION OF GENERIC DRUGS FOR UNAVAILABLE PREFERRED**
4 **DRUGS**

5 **SECTION 12H.8A.** If the Department of Health and Human Services, Division of
6 Medical Assistance, finds that there are net General Fund savings to the Medicaid program
7 from doing so, then the Division may allow a pharmacist to substitute and dispense a generic
8 drug in place of a preferred drug without prior authorization, subject to all of the following
9 being true:

- 10 (1) The Division normally requires the dispensing of the preferred drug over the
- 11 equivalent generic drug.
- 12 (2) The pharmacist has not been able to acquire the preferred drug from at least
- 13 two separate wholesalers within the two weeks prior to dispensing the
- 14 generic substitute.
- 15 (3) The pharmacist maintains records of the failed attempts to acquire the
- 16 preferred drug. Such records shall be open to inspection and audit by the
- 17 Division.
- 18 (4) The prescriber has not indicated that the preferred drug is "medically
- 19 necessary."

20 For purposes of this section, "savings to the Medicaid program" shall not be limited to savings
21 within the prescription drug service area, but shall also include savings in other areas of the
22 program such as savings from not having to send the prescription back to the prescriber for
23 prior authorization of the generic substitution or savings from instances where missed doses
24 may lead to negative and costly patient outcomes."

SIGNED _____
Amendment Sponsor

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