



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-4976/1
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2023 ASSEMBLY BILL 654

November 9, 2023 - Introduced by Representatives NOVAK, DITTRICH and DONOVAN, cosponsored by Senators JAMES, BALLWEG, CABRAL-GUEVARA and QUINN. Referred to Committee on Health, Aging and Long-Term Care.

AN ACT *to create* 49.45 (9o) of the statutes; **relating to:** utilization management controls for prescription drugs to treat mental illness under the Medical Assistance program.

Analysis by the Legislative Reference Bureau

This bill prohibits the Department of Health Services from imposing any utilization management controls for prescription drugs under the Medical Assistance program that are approved by the federal Food and Drug Administration and have an indication of approval from the federal Food and Drug Administration for the treatment of a serious mental illness. Under the bill, “serious mental illness” is defined to mean a mental disorder, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association, such as bipolar disorder, schizophrenia or schizotypal disorder, major depressive disorder, or post-traumatic stress disorder, that results in serious functional impairment that substantially interferes with or limits one or more major life activities. Currently, DHS administers the Medical Assistance program, which is a joint federal and state program that provides health services to individuals who have limited financial resources.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

ASSEMBLY BILL 654**SECTION 1**

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 49.45 (9o) of the statutes is created to read:

49.45 (9o) UTILIZATION MANAGEMENT CONTROLS FOR PRESCRIPTION DRUGS TO TREAT MENTAL ILLNESS. (a) In this subsection:

1. "Prescription drug" has the meaning given in s. 450.01 (20).

2. "Serious mental illness" means a mental disorder, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association, such as bipolar disorder, schizophrenia or schizotypal disorder, major depressive disorder, or post-traumatic stress disorder, that results in serious functional impairment that substantially interferes with or limits one or more major life activities.

3. "Utilization management controls" means a set of formal techniques used by a health carrier or prescription drug utilization management entity that are designed to evaluate prescription drug medical necessity, appropriateness, efficacy, or efficiency, including prior authorization and step therapy protocols.

(b) The department may not impose utilization management controls for any prescription drug that is approved by the federal food and drug administration and has an indication of approval from the federal food and drug administration for the treatment of a serious mental illness.

(END)