

# SENATE BILL No. 471

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-42-22-10.

**Synopsis:** Prescriptions for brand name drugs. Permits a health care practitioner to use words of similar meaning instead of the statutory phrase "Brand Medically Necessary" when writing a prescription for a brand name drug when the practitioner does not want the pharmacist to substitute, under certain government programs, a generically equivalent drug product for the brand name drug.

**Effective:** July 1, 2013.

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January 14, 2013, read first time and referred to Committee on Health and Provider Services.

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First Regular Session 118th General Assembly (2013)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

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# SENATE BILL No. 471



A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 16-42-22-10, AS AMENDED BY P.L.204-2005,  
2 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2013]: Sec. 10. (a) If a prescription is filled under the  
4 Medicaid program (42 U.S.C. 1396 et seq.), the children's health  
5 insurance program established under IC 12-17.6-2, or the Medicare  
6 program (42 U.S.C. 1395 et seq.), the pharmacist shall substitute a  
7 generically equivalent drug product and inform the customer of the  
8 substitution if the substitution would result in a lower price unless:  
9 (1) the words "Brand Medically Necessary" **or words of similar**  
10 **meaning** are:  
11 (A) written in the practitioner's own writing on the form; or  
12 (B) electronically transmitted with an electronically  
13 transmitted prescription; or  
14 (2) the practitioner has indicated that the pharmacist may not  
15 substitute a generically equivalent drug product by:  
16 (A) orally stating that a substitution is not permitted; or  
17 (B) for an electronically transmitted prescription, indicating



1           with the electronic prescription that a substitution is not  
2           permitted.

3           (b) If a practitioner orally states that a generically equivalent drug  
4           product may not be substituted, the practitioner must subsequently  
5           forward to the pharmacist a written or electronically transmitted  
6           prescription with the "Brand Medically Necessary" instruction  
7           appropriately indicated in the physician's own handwriting.

8           (c) This section does not authorize any substitution other than  
9           substitution of a generically equivalent drug product.

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