

ASSEMBLY BILL NO. 430—ASSEMBLYWOMAN LESLIE

MARCH 17, 2003

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Referred to Committee on Health and Human Services

SUMMARY—Prohibits Department of Human Resources from taking certain actions to restrict access to certain prescription drugs for mental illness provided pursuant to Medicaid and to antiretroviral prescription drugs provided to certain persons pursuant to Medicaid. (BDR 38-984)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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AN ACT relating to public welfare; prohibiting the Department of Human Resources from taking certain actions to restrict access to certain prescription drugs for mental illness provided pursuant to Medicaid and to antiretroviral prescription drugs provided to certain persons; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1     **Section 1.** Chapter 422 of NRS is hereby amended by adding  
2     thereto a new section to read as follows:  
3     ***1. The Department shall not, through the use of a preferred***  
4     ***drug list or the requirement of prior authorization, restrict the***  
5     ***access of:***  
6     ***(a) Except as otherwise provided in subsection 2, a patient***  
7     ***receiving services pursuant to Medicaid to prescription drugs that***  
8     ***are prescribed for the treatment of a mental illness of the patient,***  
9     ***including, without limitation, prescriptions for atypical and***  
10    ***conventional antipsychotic medications and anticonvulsant***  
11    ***medications; or***



\* A B 4 3 0 R 1 \*

1     ***(b) A patient who is infected with the human***  
2     ***immunodeficiency virus who is receiving services pursuant to***  
3     ***Medicaid to antiretroviral prescription drugs that are prescribed***  
4     ***for the patient.***

5     ***2. The provisions of paragraph (a) of subsection 1 do not***  
6     ***apply to prescription antidepressant medications or antianxiety***  
7     ***medications.***

8     ***3. As used in this section, "mental illness" has the meaning***  
9     ***ascribed to it in NRS 433.164.***

10    **Sec. 2.** NRS 422.240 is hereby amended to read as follows:

11    422.240 1. Money to carry out the provisions of NRS  
12    422.001 to 422.410, inclusive, ***and section 1 of this act*** and  
13    422.580, including, without limitation, any federal money allotted to  
14    the State of Nevada pursuant to the program to provide Temporary  
15    Assistance for Needy Families and the Program for Child Care and  
16    Development, must be provided by appropriation by the Legislature  
17    from the State General Fund.

18    2. Disbursements for the purposes of NRS 422.001 to 422.410,  
19    inclusive, ***and section 1 of this act*** and 422.580 must be made upon  
20    claims duly filed, audited and allowed in the same manner as other  
21    money in the State Treasury is disbursed.

22    **Sec. 3.** This act becomes effective on July 1, 2003.

