



State of Wisconsin
2025 - 2026 LEGISLATURE

LRBs0053/1

JPC:emw

SENATE SUBSTITUTE AMENDMENT 1,
TO SENATE BILL 83

May 16, 2025 - Offered by Senator JAMES.

- 1 **AN ACT** *to create* 49.45 (9o) of the statutes; **relating to:** prior authorization for
2 antipsychotic drugs under the Medical Assistance program.

Analysis by the Legislative Reference Bureau

This bill prohibits the Department of Health Services from requiring prior authorization for a covered antipsychotic drug for a Medical Assistance recipient who is at least 18 years of age under certain circumstances, including 1) if the antipsychotic drug was previously approved for the recipient at a different dosage; 2) if initial prior authorization for the antipsychotic drug expires for the recipient, and at the time of expiration, the recipient has taken the antipsychotic drug continuously for at least 60 days; and 3) if the recipient was provided another antipsychotic drug on a preferred drug list and was unsuccessfully treated with that other antipsychotic drug according to clinically appropriate guidelines. 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.

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) PRIOR AUTHORIZATION FOR ANTIPSYCHOTIC DRUGS. (a) In this subsection, “antipsychotic drug” means a covered prescription drug that is approved by the federal food and drug administration and that is classified as an antipsychotic.

(b) The department may not require prior authorization for an antipsychotic drug under any of the following circumstances for a Medical Assistance recipient who is at least 18 years of age:

1. The antipsychotic drug was previously approved for the recipient at a different dosage.

2. The recipient was newly enrolled in the Medical Assistance program within the past 30 days, and the recipient was taking the antipsychotic drug continuously for at least 30 days at the time of enrollment.

3. Initial prior authorization for the antipsychotic drug expires for the recipient, and at the time of expiration, the recipient has taken the antipsychotic drug continuously for at least 60 days.

4. The recipient was recently discharged from an inpatient hospital, and as an inpatient, the recipient was stabilized on the antipsychotic drug.

5. The recipient was provided another antipsychotic drug on a preferred drug list and was unsuccessfully treated with that other antipsychotic drug according to clinically appropriate guidelines as attested to by a qualified health care provider. For purposes of this subdivision, a determination that a recipient was unsuccessfully treated may be made based on a lack of efficacy over a 14-day period,

SECTION 1

1 allergic reactions, intolerable side effects, significant drug interactions, or a known
2 interacting genetic polymorphism that prevents safe dosing.

3 (c) 1. Nothing in this subsection otherwise restricts the department's
4 authority to require prior authorization as provided under federal law.

5 2. Nothing in this subsection may be interpreted to conflict with 42 USC
6 1396a (oo).

7 (END)