

**An Important Message from
The Texas Health and Human Services Commission (HHSC)**

**HB3286, 88th Legislature
Vendor Drug Program Update**

SECTION 1 of HB 3286

Provisional Formulary, Texas Government Code Section 531.0691

UnitedHealthcare Community Plan of Texas Implementation Date: November 1, 2024

HB 3286 creates a new provisional formulary coverage status that allows VDP to cover the drug while the Certificate of Information (COI), i.e. required manufacturer drug application, is under review. VDP will add the drug to the formulary with a provisional designation upon receiving the COI from the manufacturer. After VDP completes the COI review, VDP may add the drug to the formulary on a permanent basis, following the current process.

SECTION 2 of HB 3286

Preferred Drug List (PDL) Exception Criteria, Texas Government Code Section 533.071

UHC Implementation Date: January 25, 2024, for manual prior authorizations (PAs) and June 25, 2024, for automated PAs

HB 3286 allows for the following PDL exception criteria if the preferred drug:

	Current VDP PDL Criteria Exception: Contraindication	Current VDP PDL Criteria Exception: Allergy/Adverse Effect
Specific PDL exceptions listed in HB 3286, Section 2:	<ol style="list-style-type: none">1. Is contraindicated3. Is expected to be ineffective based on the known clinical characteristics of the recipient and the known characteristics of the prescription drug regimen4. The recipient previously discontinued taking the preferred drug at any point in their clinical history due to ineffectiveness, diminished effect, or adverse events	<ol style="list-style-type: none">2. Will likely cause an adverse reaction or physical or mental harm to the recipient4. The recipient previously discontinued taking the preferred drug at any point in their clinical history due to ineffectiveness, diminished effect, or adverse events

Note: UnitedHealthcare Community Plan of Texas (UHC) replaced MCO in original notice from HHSC.

This section of the bill also removes the lookback period for exceptions. VDP is removing the lookback period “of the last 180 days” from the PDL Criteria Guide by January 25, 2024. **UHC will** implement the lookback period removal through manual processes by January 25, 2024, and through automated processes by June 25, 2024.

These specific PDL exceptions will be updated on the PDL PA Criteria Guide and PDL Document by January 25, 2024.

SECTION 2 of HB 3286

Antipsychotic and Antidepressant Criteria, Texas Government Code Section 533.071

UHC Antipsychotic Implementation Date: January 25, 2024

For the antipsychotic drug, the following new PDL exception criteria will be added according to the implementation date listed above:

- The member was prescribed and taking a non-preferred drug before being discharged from an inpatient facility
- The member is stable on the non-preferred drug
- The member is at risk of experiencing complications due to switching from the non-preferred drug to another drug

SECTION 2 of HB 3286

Drug Shortages, Texas Government Code Section 533.071

UHC Implementation Date: January 25, 2024

HB 3286 requires an exception to the PDL if the “preferred drug is not available for reasons outside of the Medicaid managed care organization’s control, including because: the drug is in short supply according to the Food and Drug Administration Drug Shortages Database; or the drug manufacturer has placed the drug on backorder or allocation.” **UHC** may authorize an exception to the PDL only for the following reasons: a preferred drug on the PDL is placed on backorder, allocation, or in short supply, and the shortage is verifiable through the drug manufacturer and HHSC approved resources. **UHC** may implement the PDL exception criteria for backorder, allocation, or short supply on January 25, 2024, following the receipt and review of requirements VDP will send to UHC on that date.

SECTION 3 of HB 3286

Therapeutic Equivalents, Texas Government Code Section 531.072

UHC Implementation Date: January 25, 2024

VDP is reviewing the current PDL Document to determine if changes need to be made to become compliant with this requirement. VDP is adhering to the federal definition of therapeutic equivalence. If there are any changes, VDP will communicate them to **UHC** in January through the normal PDL implementation process.

Expedited Review Process to Consider Requests, Texas Government Code Section 531.072

VDP is implementing this for drug shortages only. See Drug Shortages, Texas Government Code Section 533.071 in the document for implementation information.

Questions?

Please contact your physician advocate or call UnitedHealthcare Provider Services at 888-887-9003, 8 a.m.–6 p.m. CT, Monday–Friday.