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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 4014

05/16/2016 Authored by Zerwas

The bill was read for the first time and referred to the Committee on Health and Human Services Reform

1.1 A bill for an act
1.2 relating to human services; providing coverage for certain investigational drugs,
1.3 biological products, or devices under the early periodic screening, diagnosis, and
1.4 treatment program; amending Minnesota Statutes 2015 Supplement, section
1.5 256B.0625, subdivision 64.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2015 Supplement, section 256B.0625, subdivision 64,
1.8 is amended to read:

1.9 Subd. 64. **Investigational drugs, biological products, and devices.** (a) Medical
1.10 assistance and the early periodic screening, diagnosis, and treatment (EPSDT) program
1.11 do does not cover costs incidental to, associated with, or resulting from the use of
1.12 investigational drugs, biological products, or devices as defined in section 151.375-, except
1.13 for children under 21 years of age through the early periodic screening, diagnosis, and
1.14 treatment (EPSDT) program, if:

1.15 (1) the investigational drug, biological product, or device is generally accepted by
1.16 the professional medical community as an effective and proven treatment for the condition
1.17 for which it is being used;

1.18 (2) the investigational drug, biological product, or device is not novel, relatively
1.19 unknown, or rarely used for the condition it is being prescribed; and

1.20 (3) the treating physician prescribing an investigational drug or biological product
1.21 has received an individual patient investigational new drug (IND) for treatment use from
1.22 the United States Food and Drug Administration.

- 2.1 (b) When making a determination of whether coverage under the EPSDT program must be
2.2 provided for an investigational drug, biological product, or device, the commissioner must
2.3 give the opinion of the patient's treating physician significant weight.