

(4) "STANDARD REFERENCE COMPENDIA" MEANS:

- (I) THE UNITED STATES PHARMACOPEIA DRUG INFORMATION;
- (II) THE AMERICAN MEDICAL ASSOCIATION DRUG EVALUATIONS;

AND

(III) THE AMERICAN HOSPITAL FORMULARY SERVICE DRUG INFORMATION.

(B) EFFECT OF SECTION.

THIS SECTION DOES NOT:

(1) ALTER ANY LAW THAT LIMITS THE COVERAGE OF DRUGS THAT HAVE NOT BEEN APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION;

(2) REQUIRE COVERAGE OF A DRUG IF THE FEDERAL FOOD AND DRUG ADMINISTRATION HAS DETERMINED USE OF THE DRUG TO BE CONTRAINDICATED; OR

(3) REQUIRE COVERAGE OF EXPERIMENTAL DRUGS NOT APPROVED FOR ANY INDICATION BY THE FEDERAL FOOD AND DRUG ADMINISTRATION.

(C) EXCLUSION OF COVERAGE PROHIBITED.

(1) THIS SUBSECTION APPLIES TO EACH HEALTH INSURANCE POLICY OR CONTRACT THAT IS DELIVERED OR ISSUED FOR DELIVERY IN THE STATE TO AN EMPLOYER OR INDIVIDUAL ON A GROUP OR INDIVIDUAL BASIS, INCLUDING A CONTRACT ISSUED BY A HEALTH MAINTENANCE ORGANIZATION.

(2) A POLICY OR CONTRACT SUBJECT TO THIS SUBSECTION THAT PROVIDES COVERAGE FOR DRUGS MAY NOT EXCLUDE COVERAGE OF A DRUG FOR AN OFF-LABEL USE OF THE DRUG IF THE DRUG IS RECOGNIZED FOR TREATMENT IN ANY OF THE STANDARD REFERENCE COMPENDIA OR IN THE MEDICAL LITERATURE.

(3) COVERAGE OF A DRUG REQUIRED BY THIS SUBSECTION ALSO INCLUDES MEDICALLY NECESSARY SERVICES ASSOCIATED WITH THE ADMINISTRATION OF THE DRUG.

(D) AUTHORITY OF COMMISSIONER TO REQUIRE PAYMENTS.

THE COMMISSIONER MAY DIRECT A PERSON, INCLUDING A HEALTH MAINTENANCE ORGANIZATION, THAT ISSUES A HEALTH INSURANCE POLICY OR CONTRACT TO MAKE PAYMENTS REQUIRED BY THIS SECTION.

(E) REVIEW OF OFF-LABEL USE.

(1) THE SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL APPOINT A PANEL OF MEDICAL EXPERTS TO REVIEW THE OFF-LABEL USE OF DRUGS NOT INCLUDED IN ANY OF THE STANDARD REFERENCE COMPENDIA OR IN THE MEDICAL LITERATURE AND TO ADVISE THE SECRETARY WHETHER A PARTICULAR OFF-LABEL USE OF A DRUG IS MEDICALLY APPROPRIATE.