

REFERENCE TITLE: prescription digital therapeutics; pilot program

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2451

Introduced by
Representatives Martinez: Cook, Wilmeth

AN ACT

ESTABLISHING THE PRESCRIPTION DIGITAL THERAPEUTICS PILOT PROGRAM IN THE
DEPARTMENT OF HEALTH SERVICES; APPROPRIATING MONIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Prescription digital therapeutics pilot program;
3 requirements; report; delayed repeal; definition

4 A. The prescription digital therapeutics pilot program is
5 established in the department of health services. The department shall
6 contract with a vendor to procure FDA-authorized prescription digital
7 therapeutics that are approved for the treatment of substance use disorder
8 and opioid use disorder to explore the effectiveness of the prescription
9 digital therapeutic. Under the pilot program, the department shall
10 provide the prescription digital therapeutic to patients who have been
11 diagnosed with a substance use disorder or opioid use disorder and
12 prescribed an FDA-authorized prescription digital therapeutic as part of
13 treatment by treating health care providers who are participating in the
14 pilot program.

15 B. The use of FDA-authorized prescription digital therapeutics by
16 participating patients may be in addition to any other treatment for
17 substance use disorder and opioid use disorder, including
18 medication-assisted treatment and other behavioral health services.

19 C. The pilot program shall begin not later than October 1, 2023 and
20 shall be operated until October 1, 2025 or until the monies appropriated
21 for the program are spent, whichever occurs first.

22 D. Within six months after the termination of the pilot program,
23 the department of health services shall prepare a report, using data
24 supplied by the contracted vendor of the FDA-authorized prescription
25 digital therapeutics and aggregated claims data, describing the
26 department's findings regarding the impact of the pilot program. The
27 department shall submit the report to the chairpersons and ranking
28 minority party members of the health and human services committees of the
29 senate and the house of representatives, or their successor committees. A
30 copy of the report shall be provided to the secretary of state. The
31 report shall describe at least all the following:

32 1. The population included in the pilot program.

33 2. The successes and challenges of the pilot program.

34 3. Participant treatment goals and whether those goals were
35 achieved.

36 4. A comparison of hospitalization for program participants as
37 compared to other patients of the participating treating health care
38 providers who are being treated for substance use disorders and opioid use
39 disorders.

40 5. An explanation of whether and how the prescription digital
41 therapeutics prescribed to pilot program participants improved their
42 access to treatment.

43 E. This section is repealed from and after December 31, 2026.

44 F. For the purposes of this section, "FDA-authorized prescription
45 digital therapeutic" or "prescription digital therapeutic" means a

1 product, device, internet application or other technology that meets all
2 of the following requirements:

3 1. Is intended to prevent, manage or treat a medical disease,
4 condition or disorder.

5 2. Is approved, cleared or classified by the United States food and
6 drug administration under section 510(k), 513(f) or 515 of the federal
7 food, drug, and cosmetic act for such intended use.

8 3. Uses both cognitive behavioral therapy and contingency
9 management in the product to treat substance use disorder or opioid use
10 disorder.

11 4. Requires a prescription under 21 Code of Federal Regulations
12 section 801.109 or any successor regulation.

13 Sec. 2. Appropriation; prescription digital therapeutics
14 pilot program; exemption

15 A. The sum of \$10,000,000 is appropriated from the monies that are
16 governed by the One Arizona Distribution of Opioid Settlement Funds
17 Agreement in fiscal year 2023-2024 to the department of health services to
18 purchase prescription digital therapeutics that are authorized by the
19 United States food and drug administration to treat substance abuse
20 disorder and opioid use disorder for the prescription digital therapeutics
21 pilot program established by this act.

22 B. The monies appropriated pursuant to subsection A of this section
23 are exempt from the provisions of section 35-190, Arizona Revised
24 Statutes, relating to lapsing of appropriations, except that any monies
25 remaining unexpended and unencumbered on December 31, 2026 revert to the
26 state general fund.