

SB 156 - AS INTRODUCED

2017 SESSION

17-0963

01/10

SENATE BILL            **156**

AN ACT                relative to pharmacy pricing.

SPONSORS:            Sen. Feltes, Dist 15

COMMITTEE:          Health and Human Services

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ANALYSIS

This bill clarifies the process of paying for filling prescriptions for covered persons. The bill also adds authority for the pharmacy board to adopt rules for enforcement of requirements for the price of filling prescriptions.

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Explanation:          Matter added to current law appears in ***bold italics***.  
                         Matter removed from current law appears ~~[in brackets and struck through]~~  
                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Seventeen*

AN ACT                    relative to pharmacy pricing.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1            1 New Paragraph; Pharmacists and Pharmacies; Filling Prescriptions; Rulemaking Added.  
2 Amend RSA 318:5-a by inserting after paragraph XVIII the following new paragraph:

3            XIX. Establishing procedures to receive complaints of violations of RSA 415:6-aaa and  
4 RSA 420-J:7-b, XI. Such rules shall include:

5                    (a) Criteria and procedures to refer complaints to the insurance department.

6                    (b) Methods for tracking the status of complaints referred to the insurance department  
7 and receiving department of insurance reports on the status.

8                    (c) Procedures for reporting to the senate president, the speaker of the house of  
9 representatives, and the chairpersons of the house and senate committees with oversight of  
10 pharmacy benefits manager regulation the number of complaints received, the number and nature  
11 of complaints referred to the insurance department, and the status of referred complaints.

12            2 New Section; Filling Prescriptions; Individual. Amend RSA 415 by inserting after section 6-  
13 aa the following new section:

14            415:6-aaa Filling Prescriptions.

15            I. A pharmacy benefits manager or health carrier shall require that a covered person pay  
16 the lesser of the amount charged by the pharmacy for filling the prescription, the provider specified  
17 contract payment amount, or the covered person's benefit copayment.

18            II. Once a pharmacy benefits manager or health carrier has settled a claim for filling a  
19 prescription for a covered person and notified the pharmacy of the amount the pharmacy benefits  
20 manager or health carrier will pay to the pharmacy for that prescription, the pharmacy benefits  
21 manager or health carrier shall not lower the amount to be paid to the pharmacy by the pharmacy  
22 benefits manager or the health carrier for such settled claim; provided, however, that this  
23 paragraph shall not apply if the claim was submitted fraudulently or with inaccurate or  
24 misrepresented information.

25            3 New Paragraph; Managed Care; Filling Prescriptions. Amend RSA 420-J:7-b by inserting  
26 after paragraph X the following new paragraph:

27            XI.(a) Every health benefit plan that provides prescription drug benefits shall require that  
28 a covered person pay the lesser of the amount charged by the pharmacy filling the prescription, the  
29 provider specified contract payment amount, or the covered person's benefit copayment.

30                    (b) Once a pharmacy benefits manager or health carrier has settled a claim for filling a  
31 prescription for a covered person and notified the pharmacy of the amount the pharmacy benefits

manager or health carrier will pay to the pharmacy for that prescription, the pharmacy benefits manager or health carrier shall not lower the amount to be paid to the pharmacy by the pharmacy benefits manager or the health carrier for such settled claim; provided, however, that this paragraph shall not apply if the claim was submitted fraudulently or with inaccurate or misrepresented information.

4 New Paragraph; Managed Care; Provider Contract Standards. Amend RSA 420-J:8 by inserting after paragraph XV the following new paragraph:

XVI.(a) A pharmacy benefits manager or health carrier shall prohibit a pharmacy from collecting more from the covered person than the lesser of the amount charged by the pharmacy for filling the prescription, the specified contract payment amount, or the covered person's benefit copayment.

(b) Once a pharmacy benefits manager or health carrier has settled a claim for filling a prescription for a covered person and notified the pharmacy of the amount the pharmacy benefits manager or health carrier will pay to the pharmacy for that prescription, the pharmacy benefits manager or health carrier shall not lower the amount to be paid to the pharmacy by the pharmacy benefits manager or the health carrier for such settled claim; provided, however, that this paragraph shall not apply if the claim was submitted fraudulently or with inaccurate or misrepresented information.

5 Accident and Health Insurance; Price of Filling Prescriptions. Amend RSA 415:26, III to read as follows:

III. The commissioner shall adopt rules under RSA 541-A to implement this paragraph. Such rules shall include procedures for addressing complaints[,] **and** provisions for enforcement[, the receipt of complaints referred to the insurance department under RSA 318:47-h, III(b), and for reporting to the board of pharmacy on the status of complaints referred].

6 Managed Care Law; Prescription Drugs. Amend RSA 420-J:7-b, X(c) to read as follows:

(c) The commissioner shall adopt rules under RSA 541-A to implement this paragraph. Such rules shall include procedures for addressing complaints[,] provisions for enforcement[, the receipt of complaints referred to the insurance department under RSA 318:47-h, III(b), and for reporting to the board of pharmacy on the status of complaints referred].

7 Repeal. RSA 318:47-h, relative to the price of filling prescriptions, is repealed.

8 Effective Date. This act shall take effect upon its passage.