House _____ **Amendment NO.____**

Offered By

_____ _____

AMEND Senate Committee Substitute for Senate Bill No. 302, Page 2, Section 338.200, Line 41 by inserting after said line the following:

"338.202. 1. As used in this section, the following terms mean:

(1) "AWP", average wholesale price as indicated by the National Drug Code, assigned by the federal Food and Drug Administration, as amended;

(2) "Compounded drugs", a prescription drug or device that has been prepared, incorporated, mixed and packaged or labeled as the result of a prescriber's prescription or prescription drug order based on the prescriber/patient/pharmacist relationship in the course of professional practice; and

(3) "Repackaged drugs", prescription drugs that are repackaged or which the container, wrapping, or labeling is otherwise changed to further the distribution of such prescription drug; however, the term does not include such activity when performed by the pharmacist responsible for dispensing the prescription drug.

2. For purposes of determining whether a health care provider has requested an excessive charge for a repackaged drug, a charge which exceeds the original manufacturer's AWP for such repackaged drugs shall be deemed excessive. With respect to repackaged or compounded drugs, charges greater than the sum of the original manufacturer's AWP for each individual drug or ingredient shall be deemed excessive. For the purposes of this section, any ingredient which does not have a National Drug Code shall not be reimbursable.

3. If an employer or insurer determines that a health care provider's charges for compounded or repackaged drugs are excessive pursuant to this section, the provider shall not receive payment for such drugs and is liable to return to the employer or insurer any charge already tendered.": and

Further amend said bill by amending the title, enacting clause and intersectional references accordingly.

Action Taken_____ Date _____