

HCS HB 1542 -- PHARMACY BENEFITS MANAGERS

SPONSOR: Morris (140)

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Insurance Policy by a vote of 11 to 0. Voted "Do Pass" by the Rules- Legislative Oversight Committee by a vote of 11 to 1.

This bill prohibits a pharmacy benefits manager from charging a co-payment for a prescription or pharmacy service that exceeds the amount retained by the pharmacy from all payment sources for filling that prescription or providing that service.

A pharmacy benefits manager cannot prohibit a pharmacy from informing a person of the difference between his or her co-payment and the amount he or she would pay if a health benefit plan was not used to cover the cost. The pharmacy benefits manager also cannot prohibit a pharmacy from selling a prescription to a person who chooses not to use a health benefit plan to cover the cost, as long as the cost is less than the co-payment for the drug.

A pharmacy benefits manager cannot interfere with a pharmacist's ability to provide pharmacy care to a person.

A pharmacy benefits manager cannot charge a pharmacy for any fee that is related to a claim unless the amount of the fee has been disclosed at the time of the claim's adjudication.

PROPONENTS: Supporters say that pharmacy benefits managers prohibit a pharmacy from informing a person of the difference between his or her co-payment and the amount he or she would pay if a health benefit plan was not used to cover the cost. Pharmacists cannot tell the clients that if you do not use our insurance this prescription would be cheaper, they have to ask and then we can tell them. This bill will allow pharmacies to discuss this with our customers and help them get the best product for them at the cheapest price.

Testifying for the bill were Representative Morris; Jerry Callahan, Medicine Shoppe; Randy Meents, Greenfield Pharmacy Inc; and Tim Mitchell, Mitchell's Drug Stores.

OPPONENTS: Those who oppose the bill say that they do not like the bill as filed and would be willing to work with the sponsor to get a bill that would work. We agree that pharmacists need to be able to work with their clients to get the best product necessary. We negotiate with the pharmaceutical companies to get a better price and we do not want pharmacists discussing protected information

with their customers.

Testifying against the bill were CVS Pharmacy; Express Scripts; and St Louis Area Business Health Coalition.