
HOUSE COMMITTEE AMENDMENTS

2021 Regular Session

Amendments proposed by House Committee on Insurance to Original House Bill No. 244
by Representative Turner

1 AMENDMENT NO. 1

2 On page 1, line 6, after "reimbursement;" delete the remainder of the line and insert "to
3 authorize rulemaking; to provide for penalties; and to"

4 AMENDMENT NO. 2

5 On page 2, delete line 11 in its entirety and insert in lieu thereof the following:

6 "commissioner a registration fee set by the commissioner not to exceed three
7 hundred dollars."

8 AMENDMENT NO. 3

9 On page 2, delete lines 15 through 17 in their entirety

10 AMENDMENT NO. 4

11 On page 2, line 18, after "Duties" insert "and responsibilities; nonimposition of liability;
12 rulemaking authority"

13 AMENDMENT NO. 5

14 On page 2, delete line 21 in its entirety and insert in lieu thereof the following:

15 "pharmacy's agent is obligated to"

16 AMENDMENT NO. 6

17 On page 2, line 23, after "loyalty" insert a period "." and delete the remainder of the line, and
18 delete lines 24 through 26 in their entirety, and insert the following:

19 "B. A pharmacy services administrative organization is not responsible for
20 any of the activities that are solely within the purview of a pharmacy benefits
21 manager.

22 C. The commissioner of insurance shall promulgate rules that define the
23 roles and responsibilities solely within the purview of both of the following:

24 (1) Pharmacy benefits managers.

25 (2) Pharmacy services administrative organizations."

26 AMENDMENT NO. 7

27 On page 2, at the beginning of line 27, change "B." to "D."

28 AMENDMENT NO. 8

29 On page 3, at the beginning of line 1, change "C." to "E."

1 AMENDMENT NO. 9

2 On page 3, delete lines 4 through 11 in their entirety and insert in lieu thereof the following:

3 "§1660.4. Contractual agreements; receipt and payment of claims

4 A. After the receipt of a clean claim by a pharmacy, the plan sponsor, or an
5 agent of the plan sponsor such as a pharmacy benefits manager, shall not
6 retroactively reduce payment on the claim, either directly or indirectly, through
7 aggregated effective rates or otherwise except in situations where a claim is found
8 not to be a clean claim during the course of a routine audit as permitted pursuant to
9 written agreements between the plan sponsor and the pharmacy. For purposes of this
10 Section, "clean claim" has the same meaning provided for in R.S. 22:1188.1.

11 B. Subsection A of this Section does not prohibit any retroactive increase in
12 payment to a pharmacy pursuant to a written agreement between a plan sponsor, or
13 an agent of the plan sponsor such as a pharmacy benefits manager, and a pharmacy,
14 or an agent of a pharmacy such as a pharmacy services administrative organization.

15 C. Upon request by a contracted pharmacy, a pharmacy services
16 administrative organization shall provide the pharmacy access to complete and
17 unredacted contracts executed on its behalf within a reasonable time frame."

18 AMENDMENT NO. 10

19 On page 3, between lines 19 and 20, insert the following:

20 "C. The provisions of this Section do not apply to pharmacy payments from
21 a pharmacy services administrative organization where a pharmacy services
22 administrative organization has yet to receive final payment, retroactive adjustments,
23 or reconciliations from a plan sponsor, or an agent of the plan sponsor such as a
24 pharmacy benefits manager, or with respect to funds held to pay amounts owed by
25 the applicable pharmacy."