

SENATE COMMITTEE AMENDMENTS

2018 Regular Session

Amendments proposed by Senate Committee on Insurance to Reengrossed House Bill No. 436 by Representative Johnson

1 AMENDMENT NO. 1

2 On page 1, at the end of line 4, delete "and" and after "1864(A)(4)," insert "and 1866,"

3 AMENDMENT NO. 2

4 On page 1, at the end of line 13, delete "and" and after "1864(A)(4)" insert ", and 1866"

5 AMENDMENT NO. 3

6 On page 1, line 18, after "~~2017:~~" delete lines 18 through 20 and on page 2, delete lines 1
7 through 5 and insert the following:

8 "No pharmacy benefit manager, insurer, or other entity that administers prescription
9 drug benefits programs in this state shall prohibit by contract a pharmacy or pharmacist from
10 informing a patient of all relevant options when acquiring his prescription medication,
11 including but not limited to the cost and clinical efficacy of a more affordable alternative if
12 one is available and the ability to pay cash if a cash price for the same drug is less than an
13 insurance copayment or deductible payment amount."

14 AMENDMENT NO. 4

15 On page 3, at the end of line 15, between "cost" and "and" insert "by plan"

16 AMENDMENT NO. 5

17 On page 5, line 2, delete "an appeal." and insert the following:

18 "the complaint. If the commissioner is unable to obtain information from the
19 pharmacy benefit manager that is necessary to resolve the complaint, the reimbursement
20 amount requested in the pharmacist's appeal shall be granted."

21 AMENDMENT NO. 6

22 On page 5, between lines 13 and 14, insert the following:

23 "(5) The provisions of this Section shall apply only to pharmacies with fewer than ten retail
24 outlets physically located within the state that are under a common corporate umbrella.

25 (6) Information specifically designated as proprietary by the pharmacy benefit manager
26 shall be given confidential treatment pursuant to R.S. 22:1656. The commissioner shall
27 determine the appropriateness and validity of the designation."

28 AMENDMENT NO. 7

29 On page 5, between lines 26 and 27, insert the following:

30 "§1866. Rulemaking authority; administrative appeals

31 A. The commissioner may promulgate rules and regulations in accordance with the
32 Administrative Procedure Act that are necessary or proper to carry out the provisions of this
33 Subpart.

34 B. Any pharmacy benefit manager, insurer, or other entity that administers
35 prescription drug benefits programs in the state that is aggrieved by an act of the
36 commissioner may apply for a hearing pursuant to Chapter 12 of this Title, R.S. 22:2191 et
37 seq."

- 1 AMENDMENT NO. 8
- 2 On page 5, line 27, change "Section 5." to "Section 2."