

HOUSE COMMITTEE AMENDMENTS

2019 Regular Session

Amendments proposed by House Committee on Health and Welfare to Reengrossed Senate Bill No. 164 by Senator Morrish

AMENDMENT NO. 1

On page 4, between lines 27 and 28, insert the following:

"B. A pharmacy benefit manager shall not reimburse a pharmacy or pharmacist in this state in an aggregate amount that is less than the amount that the pharmacy benefit manager reimburses an affiliate of the pharmacy benefit manager dispensing the same drug or device or for providing the same pharmacy services.

C. No pharmacy benefit manager shall cause or knowingly permit the use of any advertisement, promotion, solicitation, representation, proposal, or offer that is untrue, deceptive, or misleading.

D. No pharmacy benefit manager shall retroactively deny or reduce a claim of a pharmacy or pharmacist for payment or demand repayment of all or part of a claim after the claim has been approved by the pharmacy benefit manager unless one or more of the following conditions are met:

(1) The original claim was submitted fraudulently.

(2) The original claim payment was incorrect because the pharmacy or pharmacist had already been paid for the pharmacy services.

(3) The pharmacy services were not rendered by the pharmacy or pharmacist.

E. A pharmacy benefit manager shall provide an inquiry process for pharmacists to determine the reimbursement rate for a patient-specific prescription including the maximum allowable cost rate and patient out-of-pocket expenses.

F. The provisions of this Subpart shall not apply with respect to claims under Medicare Part D or any other plan administered or regulated solely under federal law and to the extent this Subpart may be preempted under the Employee Retirement Income Security Act of 1974, as amended, for self-funded employer-sponsored health benefit plans.

G. The Louisiana Department of Insurance may inquire with and make requests of other state agencies, commissions, and boards when conducting an investigation of a pharmacy benefit manager in which the investigation necessitates additional expertise."

AMENDMENT NO. 2

On page 4, at the beginning of line 28, change "**B.**" to "**H.**"