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HOUSE FLOOR AMENDMENTS

2019 Regular Session

Amendments proposed by Representative LeBas to Reengrossed Senate Bill No. 41 by
Senator Mills

1 AMENDMENT NO. 1

2 Delete Amendment No. 1 by the House Committee on Health and Welfare (#3033)

3 AMENDMENT NO. 2

4 On page 2, line 13, after "**the pharmacy**" delete the period "." and delete the remainder of
5 the line and insert in lieu thereof "**or its agent and shall not include the National Average**
6 **Drug Acquisition Cost.**"

7 AMENDMENT NO. 3

8 In Amendment No. 7 by the House Committee on Health and Welfare (#3033), on page 1,
9 line 17, after "entirety" delete the remainder of the line and delete lines 18 through 20 in
10 their entirety

11 AMENDMENT NO. 4

12 On page 5, at the end of line 6, delete the comma "," and delete line 7 in its entirety and at
13 the beginning of line 8 delete "**state, or local government,**"

14 AMENDMENT NO. 5

15 On page 6, line 11, delete "**to**" and insert in lieu thereof "**for**"

16 AMENDMENT NO. 6

17 Delete Amendment Nos. 32 through 34 by the House Committee on Health and Welfare
18 (#3033)

19 AMENDMENT NO. 7

20 On page 10, delete line 14 in its entirety

21 AMENDMENT NO. 8

22 On page 10, at the beginning of line 15, change "**(20)**" to "**(19)**"

23 AMENDMENT NO. 9

24 On page 10, at the beginning of line 16, change "**(21)**" to "**(20)**"

25 AMENDMENT NO. 10

26 Delete Amendment Nos. 46 and 47 by the House Committee on Health and Welfare (#3033)

1 AMENDMENT NO. 11

2 On page 13, delete lines 11 through 15 in their entirety and insert in lieu thereof the
3 following:

4 **"(8) Reimburse a local pharmacist or local pharmacy, as defined in R.S.**
5 **46:460.36(A), less than the amount it reimburses chain pharmacies, mail-order**
6 **pharmacies, specialty pharmacies, or affiliates of the pharmacy benefit manager**
7 **for the same drug or device or for the same pharmacy service in this state."**

8 AMENDMENT NO. 12

9 On page 14, line 8, after "**liable**" and before "**for the**" insert "**to the taxing authority**"

10 AMENDMENT NO. 13

11 On page 14, line 24, after "**taxing authority**" and before "**of the**" insert a comma "," and
12 "**the Department of Insurance, and the Board of Pharmacy**"

13 AMENDMENT NO. 14

14 On page 15, at the end of line 1, insert "**However, at the direction of the Louisiana**
15 **Department of Health, for purposes of administering the Medicaid pharmacy benefit**
16 **program, a pharmacy benefit manager may apply a more restrictive early refill policy**
17 **without violating the provisions of this Paragraph.**"

18 AMENDMENT NO. 15

19 Delete Amendment Nos. 64 through 89 by the House Committee on Health and Welfare
20 (#3033)

21 AMENDMENT NO. 16

22 Delete pages 17 and 18 in their entirety and on page 19, delete lines 1 through 19 in their
23 entirety and insert in lieu thereof the following:

24 **"§2871. Enforcement**

25 **A. Notwithstanding any provision of law to the contrary, enforcement**
26 **of the Pharmacy Benefit Manager Licensing Law shall be conducted in**
27 **accordance with the following requirements:**

28 **(1)(a) The commissioner of insurance shall be responsible for**
29 **investigation and enforcement of the provisions of the Louisiana Insurance**
30 **Code, the applicable provisions of this Chapter, and any rules or regulations**
31 **promulgated by the Department of Insurance relative to pharmacy benefit**
32 **managers. The commissioner shall refer any complaint he believes to be outside**
33 **of his jurisdiction to the Board of Pharmacy or the Louisiana Department of**
34 **Justice.**

35 **(b) The commissioner of insurance may suspend or revoke a pharmacy**
36 **benefit manager's permit, license, or registration in accordance with the**
37 **Louisiana Insurance Code and the rules and regulations promulgated by the**
38 **Department of Insurance relative to pharmacy benefit managers.**

39 **(2)(a) The Board of Pharmacy shall be responsible for investigation and**
40 **enforcement of the provisions of the Louisiana Pharmacy Practice Act, the**
41 **applicable provisions of this Chapter, and any rules or regulations promulgated**
42 **by the Board of Pharmacy relative to pharmacy benefit managers. The Board**
43 **of Pharmacy shall refer any complaint it believes to be outside of its jurisdiction**
44 **to the Department of Insurance or the Louisiana Department of Justice.**

1 (b) Upon completion of a complaint investigation or compliance audit,
2 and after notice and an opportunity for an adjudicatory hearing held in
3 accordance with the Administrative Procedure Act, the Board of Pharmacy may
4 suspend, revoke, or place on probation a license, permit, or registration issued
5 to the pharmacy benefit manager or any entity in which the pharmacy benefit
6 manager has an ownership or controlling interest, or take any other action
7 authorized by the Louisiana Pharmacy Practice Act or the rules and regulations
8 of the Board of Pharmacy.

9 B.(1) The commissioner of insurance and the Board of Pharmacy shall
10 be responsible for conducting random compliance audits, which may be desk
11 audits based on data provided by the pharmacy benefit manager, to ensure
12 compliance with this Chapter.

13 (2) A pharmacy benefit manager doing business in Louisiana shall make
14 itself open and available to comply with compliance audit data requests.

15 C. On the first day of each month, the Board of Pharmacy shall submit
16 to the attorney general a report of complaints received against pharmacy
17 benefit managers and the date that each complaint was received during the
18 prior calendar month in a format prescribed by the attorney general. The
19 report shall include a cumulative list of all complaints received against
20 pharmacy benefit managers until final disposition.

21 D. Nothing in this Section shall be construed as a limitation on the
22 attorney general's power to enforce the Unfair Trade Practices and Consumer
23 Protection Law, R.S. 51:1401 et seq., or to limit his authority in any way under
24 that law, or as a limitation on the attorney general's power to negotiate and
25 enter into a stipulation with a pharmacy benefit manager. Furthermore,
26 nothing in this Section shall prohibit the Board of Pharmacy from referring a
27 complaint or audit finding to the Louisiana Department of Justice."

28 AMENDMENT NO. 17

29 On page 19, line 23, after "severable" and before the period "." insert "in accordance with
30 R.S. 24:175"