
SENATE FLOOR AMENDMENTS

2021 Regular Session

Amendments proposed by Senator Fred Mills to Engrossed Senate Bill No. 218 by Senator Fred Mills

1 AMENDMENT NO. 1

2 On page 1, line 3, after "and (G)," insert "1860(C),"

3 AMENDMENT NO. 2

4 On page 1, line 4, delete "1863(2),"

5 AMENDMENT NO. 3

6 On page 1, line 6, change "22:1856(C)(16) and (17), (G), and (H)," to "22:1856(C)(16) and
7 (17) and (G),"

8 AMENDMENT NO. 4

9 On page 1, line 7, after "1863(10) insert "and (11)"

10 AMENDMENT NO. 5

11 On page 1, line 15, after "and (G)," insert "1860(C),"

12 AMENDMENT NO. 6

13 On page 1, line 16, after "1860.2(A)," insert "and" and after "(D)" delete ", and 1863(2)"

14 AMENDMENT NO. 7

15 On page 1, line 17, change "22:1856(C)(16) and (17), (G), and (H)," to "22:1856(C)(16) and
16 (17) and (G)," and change "1863(10)" to "1863(10) and (11)"

17 AMENDMENT NO. 8

18 On page 2, line 17, change "**Reimbursement**" to "**On or after January 1, 2023,**
19 **reimbursement**"

20 AMENDMENT NO. 9

21 On page 2, line 18, change "**Reimbursement**" to "**On or after January 1, 2023,**
22 **reimbursement**"

23 AMENDMENT NO. 10

24 On page 2, delete lines 20 through 27 and insert the following:

25 **"G. The agent of a pharmacist or pharmacy, including but not**
26 **limited to a pharmacy services administrative organization, shall send**
27 **the pharmacist or pharmacy the complete remittance advice required by**
28 **Subsection C of this Section on the date of payment for each claim."**

29 AMENDMENT NO. 11

30 On page 5, line 9, delete "**No**" and insert "**On or after January 1, 2022, no**"

1 AMENDMENT NO. 12

2 On page 5, between lines 15 and 16, insert the following:

3 "§1860. Violations; cease and desist orders; penalties

4 * * *

5 C. An aggrieved party, **which may include a pharmacy benefit**
6 **manager**, affected by the commissioner's decision, act, or order may demand
7 a hearing in accordance with Chapter 12 of this Title, R.S. 22:2191 et seq.

8 * * *"

9 AMENDMENT NO. 13

10 On page 5, line 24, change "C." to "C.(1)"

11 AMENDMENT NO. 14

12 On page 6, delete lines 3 through 6 and insert the following:

13 **"(2) The provisions of Paragraph (1) of this Subsection shall only**
14 **apply to a local pharmacy as defined in R.S. 22:1863.**

15 **D. No new agreements or extensions of existing agreements for**
16 **the provision of pharmacy benefit manager services allowing for the**
17 **reimbursement of a pharmacy or pharmacist in an amount less than the**
18 **amount that the pharmacy benefit manager was paid by the health plan**
19 **provider for the same claim shall be entered into after January 1, 2022.**"

20 AMENDMENT NO. 15

21 On page 6, delete lines 19 through 29 and on page 7, delete lines 1 through 6 and insert the
22 following:

23 **"(10) "Local pharmacy" means any pharmacy domiciled in at**
24 **least one Louisiana parish that has fewer than ten retail outlets under its**
25 **corporate umbrella.**

26 **(11) "Specialty Drug" means a prescription drug that is not**
27 **readily available at a retail pharmacy, is prescribed for a person with a**
28 **chronic, complex, life-threatening, or rare medical condition, and**
29 **requires either of the following:**

30 **(a) Specialized product handling or administration by the**
31 **dispensing pharmacy.**

32 **(b) Specialized clinical care, including requirement dosing**
33 **adjustments, intensive clinical monitoring, or expanded services for**
34 **patients. For the purposes of this Paragraph, "expanded services" may**
35 **include intensive patient counseling, education, or ongoing clinical**
36 **support beyond traditional dispensing actives such as individualized**
37 **disease and therapy management to support improved health outcomes.**"

38 AMENDMENT NO. 16

39 On page 7, line 18, after "A." change "A" to "**A On or before December 31, 2024, a**"

40 AMENDMENT NO. 17

41 On page 7, delete lines 20 and 21 and insert the following:

42 "state unless the pharmacy benefit manager provides written notice as
43 provided in Subsection B of this Section. **Effective January 1, 2022, no**
44 **new agreement or extension of an existing agreement for the provision**
45 **of pharmacy benefit manager services shall allow for spread pricing.**"

1 AMENDMENT NO. 18

2 On page 8, line 24, change "Conduct" to "~~Conduct~~ **On or before December 31, 2024,**
3 **conduct**"

4 AMENDMENT NO. 19

5 On page 8, delete line 25 and insert the following:

6 "without providing the notice required by R.S. 22:1867 **or, effective**
7 **January 1, 2022, enter into a new agreement or extension of an existing**
8 **agreement for the provision of pharmacy manager benefit services**
9 **allowing for spread pricing.**"

10 AMENDMENT NO. 20

11 On page 9, line 3, delete "Reimburse" and insert "**On or after January 1, 2025,**
12 **reimburse**"

13 AMENDMENT NO. 21

14 On page 9, line 5, after "claim" insert the following:

15 "**or, effective January 1, 2022, enter into a new agreement or extension**
16 **of an existing agreement for the provision of pharmacy benefit manager**
17 **services allowing for the reimbursement of a pharmacy or pharmacist**
18 **in an amount less than the amount that the pharmacy benefit manager**
19 **was paid by the health plan provider for the same claim**"

20 AMENDMENT NO. 22

21 On page 9, line 7, delete " between pharmacy benefit managers and" and delete lines 8
22 through 10 and insert "of this Act. Effective January 1, 2022, no new agreement or
23 extension of an existing agreement for the provision of pharmacy benefit manager services
24 shall allow for spread pricing."

25 AMENDMENT NO. 23

26 On page 9, delete lines 13 and 14

27 AMENDMENT NO. 24

28 On page 9, line 15, delete "Section 7. Except as provided in Sections 5 and 6 " and insert
29 "Section 6. Except as provided in Section 5"