

**HOUSE COMMITTEE AMENDMENTS**

2021 Regular Session

Amendments proposed by House Committee on Insurance to Reengrossed Senate Bill No. 218 by Senator Fred Mills

1 AMENDMENT NO. 1

2 On page 1, delete lines 4 through 10 and insert the following:

3 "introductory paragraph of 1860.2(A), and 1860.3(C) and (D), R.S. 37:1256(B), and  
4 the introductory paragraph of R.S. 40:2868(A) and to enact R.S. 22:1856(C)(16) and (17)  
5 and (G), 1856.1(H), 1856.2, 1860.3(E) and (F),and 1863(10) and R.S. 40:2864(D) and  
6 2870(A)(21) through (23), relative to the payment of pharmacy claims; to provide for  
7 pharmacy audits; to provide for reimbursements; to provide for definitions; to provide for  
8 pharmacy benefit manager permits; to provide for the duties of pharmacy"

9 AMENDMENT NO. 2

10 On page 1, line 16, after ""1860.3(C) and (D)" delete ", and 1867(A)"

11 AMENDMENT NO. 3

12 On page 2, line 1, delete "1863(10) and (11), and 1864(C)" and insert "and 1863(10)"

13 AMENDMENT NO. 4

14 On page 4, delete lines 3 and 4 and insert the following:

15 "(ii) A claim arising pursuant to the provisions of ~~this Section may~~  
16 **Item (i) of this Paragraph shall not** be subject to recoupment.

17 AMENDMENT NO. 5

18 On page 5, delete lines 5 though 12, and insert the following:

19 **§1856.2. Pharmacy record auditors; attestation required**  
20 **A. On or after January 1, 2022, no individual shall perform an**  
21 **audit on behalf of an entity pursuant to R.S. 22:1856.1 or any other**  
22 **provision of this Subpart unless the individual has attested in writing to**  
23 **the entity on whose behalf he is performing the audit that the individual**  
24 **is knowledgeable of Louisiana pharmacy audit laws and his intent to**  
25 **conduct the audit in compliance with Louisiana law.**  
26 **B. Failure to maintain a copy of the attestation required by**  
27 **Subsection A of this Section shall constitute a violation of R.S.**  
28 **22:1964(16).**  
29 **C. Any audit conducted by an individual who has not completed**  
30 **an attestation as required by Subsection A of this Section shall be invalid**  
31 **and have no effect.**

32 AMENDMENT NO. 6

33 On page 5, line 28, change "C.(1)" to "C."

34 AMENDMENT NO. 7

35 On page 6, delete lines 4 through 13 and insert the following:

1 "reimbursement, limited to generic effective rates or brand  
2 effective rates. The provisions of this Subsection shall apply only to a  
3 local pharmacy as defined in R.S. 22:1863.

4 D. No pharmacy benefit manager, pharmacy services  
5 administrative organization, or any person acting on behalf of a  
6 pharmacy benefit manager or pharmacy services administrative  
7 organization shall use direct and indirect remuneration fees or any other  
8 reduction or aggregate reduction of payment to reduce a reimbursement  
9 to a pharmacy. The provisions of this Subsection shall apply to a  
10 pharmacy as defined in R.S. 22:1863."

11 AMENDMENT NO. 8

12 On page 6, delete line 29, delete page 7, and on page 8, delete line 1

13 AMENDMENT NO. 9

14 On page 8, line 11, delete "and 2870(A)(4) are" and insert "is"

15 AMENDMENT NO. 10

16 On page 8, line 12, change "2870(A)(21), (22), and (23)" to "2870(A)(21) through (23)"

17 AMENDMENT NO. 11

18 On page 9, delete lines 3 through 8

19 AMENDMENT NO. 12

20 On page 9, delete lines 14 through 25 and insert the following:

21 "(23) Prohibit a licensed pharmacy or pharmacist from  
22 dispensing any drug that may be dispensed under the pharmacist's or  
23 pharmacy's license unless one of the following conditions apply:

24 (a) Applicable state or federal law prohibits the pharmacist or  
25 pharmacy from dispensing the drug.

26 (b) The manufacturer of the drug requires that a pharmacy or  
27 pharmacist possess one or more accreditations or certifications to  
28 dispense the drug and the pharmacy or pharmacist does not meet the  
29 requirement."

30 AMENDMENT NO. 13

31 On page 9, line 26, change "Section 5" to "Section 4"

32 AMENDMENT NO. 14

33 On page 9, line 28 delete "Section 6. Except as provided in Section 5" and insert "Section  
34 5. Except as provided in Section 4"