

By: Miller of Comal

H.B. No. 3262

A BILL TO BE ENTITLED

AN ACT

relating to pharmacy benefit managers contracting with the child health plan program, the Medicaid managed care program, and health plans for certain government employees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 531, Government Code, is amended by adding Subchapter Y to read as follows:

SUBCHAPTER Y. PHARMACY BENEFIT MANAGERS

Sec. 531.990. APPLICABILITY. This subchapter applies only to a Medicaid managed care program under Chapter 533 and the child health plan program.

Sec. 531.991. TRANSPARENCY IN PHARMACY BENEFIT MANAGEMENT.

(a) In this section, "maximum allowable cost" means a maximum reimbursement amount for a group of therapeutically and pharmaceutically equivalent multiple source medications.

(b) A contract to provide pharmacy benefit manager services must require the pharmacy benefit manager to:

(1) establish:

(A) a method of calculating, updating, and revising a maximum allowable cost for each covered medication;

(B) a frequency for updating or revising the maximum allowable cost; and

(C) a maximum allowable cost list that uniformly serves as a basis for the calculation of reimbursement amounts for

1 pharmacy claims covered by the child health plan program or
2 Medicaid managed care program; and

3 (2) develop and maintain a public Internet website and
4 post and maintain on the website the information required by
5 Subdivision (1).

6 (c) A contract to provide pharmacy benefit manager services
7 must require the pharmacy benefit manager to provide to the
8 commission the information required by Subsection (b)(1). On
9 request, the commission shall provide the information to a
10 pharmacist or pharmacy.

11 SECTION 2. Subchapter B, Chapter 1551, Insurance Code, is
12 amended by adding Section 1551.0671 to read as follows:

13 Sec. 1551.0671. TRANSPARENCY IN PHARMACY BENEFIT
14 MANAGEMENT. (a) In this section, "maximum allowable cost" means a
15 maximum reimbursement amount for a group of therapeutically and
16 pharmaceutically equivalent multiple source medications.

17 (b) A contract to provide pharmacy benefit manager services
18 must require the pharmacy benefit manager to:

19 (1) establish:

20 (A) a method of calculating, updating, and
21 revising a maximum allowable cost for each covered medication;

22 (B) a frequency for updating or revising the
23 maximum allowable cost; and

24 (C) a maximum allowable cost list that uniformly
25 serves as a basis for the calculation of reimbursement amounts for
26 pharmacy claims covered by the group benefits program; and

27 (2) develop and maintain a public Internet website and

1 post and maintain on the website the information required by
2 Subdivision (1).

3 (c) A contract to provide pharmacy benefit manager services
4 must require the pharmacy benefit manager to provide to the board of
5 trustees the information required by Subsection (b)(1). On
6 request, the board of trustees shall provide the information to a
7 pharmacist or pharmacy.

8 SECTION 3. Subchapter C, Chapter 1575, Insurance Code, is
9 amended by adding Section 1575.111 to read as follows:

10 Sec. 1575.111. TRANSPARENCY IN PHARMACY BENEFIT
11 MANAGEMENT. (a) In this section, "maximum allowable cost" means a
12 maximum reimbursement amount for a group of therapeutically and
13 pharmaceutically equivalent multiple source medications.

14 (b) A contract to provide pharmacy benefit manager services
15 must require the pharmacy benefit manager to:

16 (1) establish:

17 (A) a method of calculating, updating, and
18 revising a maximum allowable cost for each covered medication;

19 (B) a frequency for updating or revising a
20 maximum allowable cost; and

21 (C) a maximum allowable cost list that uniformly
22 serves as a basis for the calculation of reimbursement amounts for
23 pharmacy claims covered by the group program; and

24 (2) develop and maintain a public Internet website and
25 post and maintain on the website the information required by
26 Subdivision (1).

27 (c) A contract to provide pharmacy benefit manager services

1 must require the pharmacy benefit manager to provide to the trustee
2 the information required by Subsection (b)(1). On request, the
3 trustee shall provide the information to a pharmacist or pharmacy.

4 SECTION 4. Subchapter B, Chapter 1579, Insurance Code, is
5 amended by adding Section 1579.058 to read as follows:

6 Sec. 1579.058. TRANSPARENCY IN PHARMACY BENEFIT
7 MANAGEMENT. (a) In this section, "maximum allowable cost" means a
8 maximum reimbursement amount for a group of therapeutically and
9 pharmaceutically equivalent multiple source medications.

10 (b) A contract to provide pharmacy benefit manager services
11 must require the pharmacy benefit manager to:

12 (1) establish:

13 (A) a method of calculating, updating, and
14 revising a maximum allowable cost for each covered medication;

15 (B) a frequency for updating or revising a
16 maximum allowable cost; and

17 (C) a maximum allowable cost list that uniformly
18 serves as a basis for the calculation of reimbursement amounts for
19 pharmacy claims covered by a health coverage plan; and

20 (2) develop and maintain a public Internet website and
21 post and maintain on the website the information required by
22 Subdivision (1).

23 (c) A contract to provide pharmacy benefit manager services
24 must require the pharmacy benefit manager to provide to the trustee
25 the information required by Subsection (b)(1). On request, the
26 trustee shall provide the information to a pharmacist or pharmacy.

27 SECTION 5. Subchapter B, Chapter 1601, Insurance Code, is

1 amended by adding Section 1601.065 to read as follows:

2 Sec. 1601.065. TRANSPARENCY IN PHARMACY BENEFIT
3 MANAGEMENT. (a) In this section, "maximum allowable cost" means a
4 maximum reimbursement amount for a group of therapeutically and
5 pharmaceutically equivalent multiple source medications.

6 (b) A contract to provide pharmacy benefit manager services
7 must require the pharmacy benefit manager to:

8 (1) establish:

9 (A) a method of calculating, updating, and
10 revising the maximum allowable cost for each covered medication;

11 (B) a frequency for updating or revising a
12 maximum allowable cost; and

13 (C) a maximum allowable cost list that uniformly
14 serves as a basis for the calculation of reimbursement amounts for
15 pharmacy claims covered by the basic coverage; and

16 (2) develop and maintain a public Internet website and
17 post and maintain on the website the information required by
18 Subdivision (1).

19 (c) A contract to provide pharmacy benefit manager services
20 must require the pharmacy benefit manager to provide to the
21 governing board of the system the information required by
22 Subsection (b)(1). On request, the system shall provide the
23 information to a pharmacist or pharmacy.

24 SECTION 6. Subchapter Y, Chapter 531, Government Code, and
25 Sections 1551.0671, 1575.111, 1579.058, and 1601.065, Insurance
26 Code, as added by this Act, apply only to a contract with a pharmacy
27 benefit manager executed or renewed on or after the effective date

1 of this Act.

2 SECTION 7. This Act takes effect September 1, 2013.