

By: Eiland

H.B. No. 3456

A BILL TO BE ENTITLED

AN ACT

relating to reimbursement rates paid to certain pharmacies in connection with health benefit plans.

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

SECTION 1. Section 1560.004, Insurance Code, is amended to read as follows:

Sec. 1560.004. PRESCRIPTION DRUG REIMBURSEMENT RATES. (a) Except as provided by Subsection (c), an ~~[An]~~ issuer of a health benefit plan that provides pharmacy benefits to enrollees shall reimburse pharmacies participating in the health plan using prescription drug reimbursement rates, for both brand name and generic prescription drugs, that are based on a current and nationally recognized benchmark index that includes average wholesale price and maximum allowable cost.

(b) Except as provided by Subsection (c), regardless ~~[Regardless]~~ of whether a pharmacy is a mail order pharmacy or a community retail pharmacy, an issuer of a health benefit plan shall use the same benchmark index, including the same average wholesale price, maximum allowable cost, and national prescription drug codes, to reimburse all pharmacies participating in the health benefit plan.

(c) An issuer of a health benefit plan shall incorporate into the calculation under Subsection (b) any monetary or nonmonetary benefit that a mail order pharmacy receives and that a

1 community retail pharmacy does not receive in connection with
2 providing a prescription drug to enrollees.

3 SECTION 2. Section 1560.004, Insurance Code, as amended by
4 this Act, applies only to a health benefit plan provided under
5 Chapter 1551, 1575, or 1579, Insurance Code, beginning with the
6 2014-2015 plan year. A plan year before 2014-2015 is governed by
7 the law as it existed immediately before September 1, 2014, and that
8 law is continued in effect for that purpose.

9 SECTION 3. This Act takes effect September 1, 2013.