

1-1 By: Frullo (Senate Sponsor - Watson) H.B. No. 3028
 1-2 (In the Senate - Received from the House May 14, 2015;
 1-3 May 14, 2015, read first time and referred to Committee on Business
 1-4 and Commerce; May 19, 2015, reported favorably by the following
 1-5 vote: Yeas 8, Nays 0; May 19, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9			X	
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to regulation of certain conduct by discount health care
 1-20 program operators, or concerning discount health care programs,
 1-21 that relates to prescription drugs or prescription drug benefits;
 1-22 authorizing administrative and civil penalties.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subchapter B, Chapter 562, Insurance Code, is
 1-25 amended by adding Sections 562.055 and 562.056 to read as follows:

1-26 Sec. 562.055. NETWORK PARTICIPATION REQUIREMENTS. (a) It
 1-27 is an unfair method of competition or an unfair or deceptive act or
 1-28 practice in the business of discount health care programs for a
 1-29 discount health care program operator or an affiliate or agent of a
 1-30 discount health care program operator to require a pharmacy or
 1-31 pharmacist to:

1-32 (1) participate in a specified provider network as a
 1-33 condition of processing a claim for prescription drugs under the
 1-34 discount health care program; or

1-35 (2) participate in, or process claims under, a
 1-36 discount health care program as a condition of participation in a
 1-37 provider network.

1-38 (b) A discount health care program operator is not legally
 1-39 liable for any act or omission of an agent of the operator in
 1-40 violation of Subsection (a).

1-41 Sec. 562.056. CERTAIN METHODS OF PROMOTIONS. (a) It is an
 1-42 unfair method of competition or an unfair or deceptive act or
 1-43 practice in the business of discount health care programs for a
 1-44 discount health care program operator to pay any consideration to a
 1-45 health care services provider or employee of a health care services
 1-46 provider:

1-47 (1) to encourage an individual to claim a discount for
 1-48 prescription drugs under a discount health care program; or

1-49 (2) to include discount health care program
 1-50 information on a prescription for a drug or in materials
 1-51 accompanying the prescription.

1-52 (b) It is an unfair method of competition or an unfair or
 1-53 deceptive act or practice in the business of discount health care
 1-54 programs for a discount health care program operator to provide a
 1-55 person with written prescription forms that could reasonably
 1-56 mislead an individual to believe that the discount health care
 1-57 program is health insurance or provides coverage similar to health
 1-58 insurance.

1-59 SECTION 2. Subchapter D, Chapter 4151, Insurance Code, is
 1-60 amended by adding Section 4151.154 to read as follows:

1-61 Sec. 4151.154. DISCOUNT HEALTH CARE PROGRAMS. A pharmacy

2-1 benefit manager may not require a pharmacist or pharmacy to:
2-2 (1) accept or process a claim for prescription drugs
2-3 under a discount health care program as defined by Section 7001.001
2-4 unless the pharmacist or pharmacy agrees in writing to accept or
2-5 process the claim;

2-6 (2) participate in a specified provider network as a
2-7 condition of processing a claim for prescription drugs under a
2-8 discount health care program; or

2-9 (3) participate in, or process claims under, a
2-10 discount health care program as a condition of participation in a
2-11 provider network.

2-12 SECTION 3. (a) Except as provided by Subsection (b) of this
2-13 section, the changes in law made by this Act apply only to conduct
2-14 that occurs on or after the effective date of this Act. Conduct that
2-15 occurs before the effective date of this Act is governed by the law
2-16 as it existed when the conduct occurred, and the former law is
2-17 continued in effect for that purpose.

2-18 (b) The changes in law made by this Act apply only to a claim
2-19 filed under a discount health care program on or after the effective
2-20 date of this Act. A claim filed before the effective date of this
2-21 Act is governed by the law as it existed immediately before the
2-22 effective date of this Act, and that law is continued in effect for
2-23 that purpose.

2-24 SECTION 4. This Act takes effect September 1, 2015.

2-25 * * * * *