

By: Hinojosa

S.B. No. 1330

A BILL TO BE ENTITLED

AN ACT

relating to examination of pharmacy benefit managers by the commissioner of insurance; authorizing an assessment.

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

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

SUBCHAPTER D-1. EXAMINATION OF PHARMACY BENEFIT MANAGERS

Sec. 4151.176. DEFINITIONS. In this subchapter:

(1) "Pharmacy benefit manager" has the meaning assigned by Section 4151.151.

(2) "Records" has the meaning assigned by Section 36.151.

Sec. 4151.177. EXAMINATION OF PHARMACY BENEFIT MANAGERS.

The commissioner may examine the records of a pharmacy benefit manager to determine compliance with Chapter 1369, this chapter, and other applicable provisions of this code and matters considered necessary by the commissioner by rule to protect the interests of health benefit plan issuers, enrollees, pharmacists, and pharmacies.

Sec. 4151.178. EXAMINATION EXPENSES. (a) A pharmacy

benefit manager shall pay the cost of the examination authorized by Section 4151.177. The department shall collect an assessment in an amount determined by the commissioner to cover all expenses attributable directly to the examination, including the salaries

1 and expenses of the department employees and all reasonable
2 expenses of the department attributable to the administration of
3 this subchapter.

4 (b) The assessment collected under this section shall be
5 deposited to the credit of the Texas Department of Insurance
6 operating account.

7 Sec. 4151.179. CONFIDENTIALITY. A pharmacy benefit manager
8 may request that the commissioner treat specified records obtained
9 under this subchapter as confidential and excepted from public
10 disclosure under Chapter 552, Government Code, in accordance with
11 Section 552.110, Government Code, or other applicable law.

12 SECTION 2. This Act takes effect September 1, 2021.