

**HOUSE OF REPRESENTATIVES
COMPILATION OF PUBLIC COMMENTS**

Submitted to the Committee on Insurance

For HB 2021

Compiled on: Tuesday, March 21, 2023 1:53 PM

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Hearing Date: March 21, 2023 8:00 AM

Mary Staples

National Association of Chain Drug Stores (NACDS)HB 2021

Southlake, TX

On behalf of our 19 member companies operating more than 2,950 pharmacies in Texas, the National Association of Chain Drug Stores (NACDS) supports HB 2021, legislation that would extend the protections of previously enacted reforms in an effort to safeguard Texans from the unfair and deceptive practices of pharmacy benefit managers (PBMs). The Legislature took meaningful steps to rein in abusive PBM practices with two significant reform bills in 2021, but unfortunately the Department of Insurance has been hesitant to enforce the provisions of HB 1919 and HB 1763 on the health insurance plans and PBMs that do business in Texas but are headquartered outside of the state. HB 2021 would afford patients the protections of previously codified law, regardless of where their health plan or PBM's headquarters are located. We ask for your support of HB 2021.

Yen Nguyen, Executive Director of Pharmacy

Oncology Consultants

Houston, TX

March 20, 2023

The Honorable Tom Oliverson

Chair, Committee on Insurance

Texas House of Representatives

1100 Congress Ave., Austin, TX 78701

RE: Support for House Bill 2021, Protecting Patient Choice and Texas Pharmacies

Chairman Oliverson,

On behalf of Oncology Consultants, we ask the House Committee on Insurance to consider a vote in favor of House Bill 2021 at its March 21 meeting.

My name is Yen Nguyen, and I am the Executive Director of Pharmacy at Oncology Consultants. We have served Texans living with cancer for the last 40+ years as a premier adult medical oncology and hematology practice. Oncology Consultants encompasses 14 medical offices with infusion suites, radiation and imaging center, research center, and 3 specialty pharmacies located in Houston, Corpus Christi, and Rockport. Our staff consist of 22 oncologists, 20+ nurse practitioners, and 300+ ancillary employees. On behalf of all of us at Oncology Consultants, I would like to thank you and your colleagues for your continual efforts to address ongoing concerns regarding patient coverage and pharmacy benefit managers.

HB 2021 requires all plans administered by Pharmacy Benefit Managers (PBM) to comply with existing state laws that currently apply to all other employee health benefit plans. Most importantly, HB 2021 would ensure PBMs are required to comply with two recent additions to state insurance code that ensure abusive tactics such as retroactive fees, reductions in payment, and coercion of Texas patients into using out-of-state PBM-owned pharmacies to acquire prescriptions are outlawed.

While these additions have proven to be important additions to state insurance law, it does not apply to PBMs that are based out of state even though these PBMs are contracted with Texas health plans. If passed, HB 2021 would address this loophole and allow the Texas Department of Insurance to address complaints filed against PBMs based out of state.

While HB 2021 may seem like a simple bill, it will have an important impact for Texas patients and their pharmacies as it holds the PBMs accountable for their abusive tactics. As a representative of community oncology practices in Texas and for patients that stand to benefit from this bill, we ask the committee to assist us in our fight against cancer and pass HB 2021.

Sincerely,

Yen Nguyen

Executive Director of Pharmacy

Oncology Consultants

Christine Bryan, VP, IT and Public Policy

Clarity Child Guidance Center

SAN ANTONIO, TX

Clarity Child Guidance Center is for HB 2021. Clarity is a non-profit providing inpatient and outpatient behavioral health services to children ages 3-17. Clarity's patient census is comprised of 60% low-income, state-supported children through Medicaid, CHIP, STAR Health, STAR Kids and low-cost contracts with area local mental health authorities.

Many patient protections related to prescription drug access have been added to the insurance code. Some of these protections include management of multiple formularies, handling of "medical necessity" as it relates to prescribing, drug modification assurances, and restrictions around "step therapy protocols". With the continued rise in health plans outsourcing to pharmacy benefit managers, or PBMs, the code is unclear how the statute relates to a health plan's vendor. This bill clarifies the language to include the health plan, as well as any vendor they may choose to manage this sector of their business.

On behalf of our kids and families, we respectfully ask that the committee support HB 2021.