

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4166

**FISCAL
NOTE**

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[Introduced January 20, 2016;
Referred to the Committee on Banking and Insurance
then Health and Human Resources.]

1 A BILL to amend the Code of West Virginia, 1931, by adding thereto a new section, designated
 2 §5-16-7b; to amend said code by adding thereto a new section, designated §33-15-4m; to
 3 amend said code by adding thereto a new section, designated §33-16-3c; to amend said
 4 code by adding thereto a new section, designated §33-24-7n; to amend said code by
 5 adding thereto a new section, designated 33-25-15; and to amend said code by adding
 6 thereto a new section, designated §33-25A-8m, all relating to health insurance coverage
 7 for prescribed medications; requiring health insurance coverage for an entire package of
 8 otherwise covered medication for an individual with a continuing prescription for such
 9 medication, if the manufacturer's packaging prevents a pharmacy from distributing fewer
 10 doses than are contained in a single package without discarding or otherwise
 11 compromising a portion of the doses contained in that package and the package contains
 12 fewer than sixty days' worth of doses prescribed to the individual.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
 2 section, designated §5-16-7b; that said code be amended by adding thereto a new section,
 3 designated §33-15-4m; that said code be amended by adding thereto a new section, designated
 4 §33-16-3c; that said code be amended by adding thereto a new section, designated §33-24-7n;
 5 that said code be amended by adding thereto a new section, designated 33-25-15; and that said
 6 code be amended by adding thereto a new section, designated §33-25A-8m, all to read as follows:

**CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE
 GOVERNOR, SECRETARY OF STATE AND ATTORNEY GENERAL;
 BOARD OF PUBLIC WORKS; MISCELLANEOUS AGENCIES,
 COMMISSIONS, OFFICES, PROGRAMS, ETC.**

ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES INSURANCE ACT.

§5-16-7b. Coverage for whole package of prescribed medication.

1 An insurance plan established pursuant to this article shall provide coverage for the cost
2 of an entire package of a prescription medication, under the following circumstances:

3 (1) The medication is otherwise covered under the insured individual's policy;

4 (2) The individual purchasing the medication has a valid prescription for the medication
5 which requires the individual to take the medication on a continuing basis for ninety days or longer;

6 (3) The manufacturer of the medication packages and distributes the medication in a
7 manner which prevents a pharmacy from distributing fewer doses than are contained in a single
8 package without discarding or otherwise compromising a portion of the doses contained in that
9 package; and

10 (4) The package contains equal to or fewer than the prescribed number of doses the
11 individual requires for sixty days.

CHAPTER 33. INSURANCE.

ARTICLE 15. ACCIDENT AND SICKNESS INSURANCE.

§33-15-4m. Coverage for whole package of prescribed medication.

1 An insurance plan established pursuant to this article shall provide coverage for the cost
2 of an entire package of a prescription medication, under the following circumstances:

3 (1) The medication is otherwise covered under the insured individual's policy;

4 (2) The individual purchasing the medication has a valid prescription for the medication
5 which requires the individual to take the medication on a continuing basis for ninety days or longer;

6 (3) The manufacturer of the medication packages and distributes the medication in a
7 manner which prevents a pharmacy from distributing fewer doses than are contained in a single
8 package without discarding or otherwise compromising a portion of the doses contained in that

9 package; and

10 (4) The package contains equal to or fewer than the prescribed number of doses the
11 individual requires for sixty days.

ARTICLE GROUP ACCIDENT AND SICKNESS INSURANCE.16.

§33-16-3c. Coverage for whole package of prescribed medication.

1 An insurance plan established pursuant to this article shall provide coverage for the cost
2 of an entire package of a prescription medication, under the following circumstances:

3 (1) The medication is otherwise covered under the insured individual’s policy;

4 (2) The individual purchasing the medication has a valid prescription for the medication
5 which requires the individual to take the medication on a continuing basis for ninety days or longer;

6 (3) The manufacturer of the medication packages and distributes the medication in a
7 manner which prevents a pharmacy from distributing fewer doses than are contained in a single
8 package without discarding or otherwise compromising a portion of the doses contained in that
9 package; and

10 (4) The package contains equal to or fewer than the prescribed number of doses the
11 individual requires for sixty days.

ARTICLE 24. HOSPITAL MEDICAL AND DENTAL CORPORATIONS.

§33-24-7n. Coverage for whole package of prescribed medication.

1 An insurance plan established pursuant to this article shall provide coverage for the cost
2 of an entire package of a prescription medication, under the following circumstances:

3 (1) The medication is otherwise covered under the insured individual’s policy;

4 (2) The individual purchasing the medication has a valid prescription for the medication
5 which requires the individual to take the medication on a continuing basis for ninety days or longer;

6 (3) The manufacturer of the medication packages and distributes the medication in a

7 manner which prevents a pharmacy from distributing fewer doses than are contained in a single
 8 package without discarding or otherwise compromising a portion of the doses contained in that
 9 package; and

10 (4) The package contains equal to or fewer than the prescribed number of doses the
 11 individual requires for sixty days.

ARTICLE 25. HEALTH CARE CORPORATION.

§33-25-15. Coverage for whole package of prescribed medication.

1 An insurance plan established pursuant to this article shall provide coverage for the cost
 2 of an entire package of a prescription medication, under the following circumstances:

3 (1) The medication is otherwise covered under the insured individual's policy;

4 (2) The individual purchasing the medication has a valid prescription for the medication
 5 which requires the individual to take the medication on a continuing basis for ninety days or longer;

6 (3) The manufacturer of the medication packages and distributes the medication in a
 7 manner which prevents a pharmacy from distributing fewer doses than are contained in a single
 8 package without discarding or otherwise compromising a portion of the doses contained in that
 9 package; and

10 (4) The package contains equal to or fewer than the prescribed number of doses the
 11 individual requires for sixty days.

ARTICLE 25A. HEALTH MAINTENANCE ORGANIZATION ACT.

§33-25A-8m. Required coverage for whole package of prescribed medication.

1 An insurance plan established pursuant to this article shall provide coverage for the cost
 2 of an entire package of a prescription medication, under the following circumstances:

3 (1) The medication is otherwise covered under the insured individual's policy;

4 (2) The individual purchasing the medication has a valid prescription for the medication
5 which requires the individual to take the medication on a continuing basis for ninety days or longer;

6 (3) The manufacturer of the medication packages and distributes the medication in a
7 manner which prevents a pharmacy from distributing fewer doses than are contained in a single
8 package without discarding or otherwise compromising a portion of the doses contained in that
9 package; and

10 (4) The package contains equal to or fewer than the prescribed number of doses the
11 individual requires for sixty days.

NOTE: The purpose of this bill is to require health insurance policies to cover an entire package of otherwise covered medication for an individual with a continuing prescription for such medication, if the manufacturer's packaging prevents a pharmacy from distributing fewer doses than are contained in a single package without discarding or otherwise compromising a portion of the doses contained in that package and the package contains fewer than sixty days' worth of doses prescribed to the individual.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.