

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

House Bill 4287

BY DELEGATES HOWELL, SUMMERS, SOBONYA,
WESTFALL, LOVEJOY, WHITE, ELLINGTON AND WARD

[Introduced January 24, 2018; Referred
to the Committee on Health and Human Resources
then the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §33-51-9, relating to pharmacy benefit managers; prohibiting fees; prohibiting
 3 contractual provisions; and prohibiting certain information on cards.

Be it enacted by the Legislature of West Virginia:

ARTICLE 51. PHARMACY AUDIT INTEGRITY ACT.

§33-51-9. Regulation of Pharmacy Benefit Managers.

1 (a) The following terms are defined:

2 “Allowable claim amount” means the amount the health carrier or pharmacy benefits
 3 manager has agreed to pay the pharmacy for the prescription medication.

4 (b) A pharmacy benefits manager may not charge a pharmacist or pharmacy a fee related
 5 to the adjudication of a claim, including:

6 (1) The receipt and processing of a pharmacy claim;

7 (2) The development or management of a claim processing or adjudication network; or

8 (3) Participation in a claim processing or claim adjudication network.

9 (c) A contract between a health care provider and a pharmacy benefit manager may not
 10 contain a provision prohibiting disclosure of billed or allowed amounts, reimbursement rates or
 11 out-of-pocket costs, to assist consumers and institutional purchasers in making informed
 12 decisions regarding their health care and informed choices among health care providers and allow
 13 comparisons between prices paid by various health carriers to health care providers.

14 (d) No health carrier or pharmacy benefits manager shall require an individual to make a
 15 payment at the point of sale for a covered prescription medication in an amount greater than the
 16 lesser of:

17 (1) The applicable copayment for such prescription medication;

18 (2) The allowable claim amount for the prescription medication; or

19 (3) The amount an individual would pay for the prescription medication if the individual
 20 purchased the prescription medication without using a health benefit plan, or any other source of

21 prescription medication benefits or discounts.

22 (e) If a contract contains a provision prohibited under the section, the provision shall be
23 void and unenforceable. The invalidity or unenforceability of any contract provision under this
24 subsection shall not affect any other provision of the contract.

25 (f) A pharmacy benefit manager may not place a trademark or logo on a medical and
26 prescription drug card.

NOTE: The purpose of this bill is to prevent pharmacy benefit managers from using certain contract provisions and placing certain information on medical cards.

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