WEST virginia legislature

2024 regular session

Introduced

Senate Bill 586

By Senator Caputo

[Introduced January 29, 2024; referred  
to the Committee on Health and Human Resources]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7h, relating to establishing an insulin safety net program.

Be it enacted by the Legislature of West Virginia:

ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES INSURANCE ACT.

§5-16-7h. Insulin Safety Net Program.​

(a) By July 1, 2025, each manufacturer must establish procedures to​ make insulin available in accordance with this section to eligible individuals who are in urgent need of​ insulin or who are in need of access to an affordable insulin supply.​

(b) For purposes of this section, the following definitions apply:​ (1) "manufacturer" means a manufacturer engaged in the manufacturing of insulin that self-administered​ on an outpatient basis;​ (2) "pharmacy" means a pharmacy located in West Virginia, as defined by section §30-5-4. ​

(c) Any manufacturer with an annual gross revenue of $2,000,000 or less from insulin sales in West Virginia​ is exempt from this section. To request a waiver under this paragraph, the manufacturer must submit a request​ to the Board of Pharmacy that includes documentation indicating that the manufacturer is eligible for an​ exemption.​

(d) An insulin product is exempt from this section if the wholesale acquisition cost of the insulin is $8​ or less per milliliter or applicable National Council for Prescription Drug Plan billing unit, for the entire​ assessment time period, adjusted annually based on the consumer price index.​

(e) Eligibility for urgent-need safety net program. To be eligible to receive an urgent-need​ supply of insulin under this section, an individual must attest to:​

(1) Being a West Virginia resident.​

(2) Not being enrolled in a medical assistance program.

(3) Not being enrolled in prescription drug coverage that limits the total amount of cost-sharing that the​ enrollee is required to pay for a 30-day supply of insulin, including co-payments, deductibles, or coinsurance,​ to $75 or less, regardless of the type or amount of insulin prescribed.

(4) Not having received an urgent-need supply of insulin through this program within the previous 12​ months.

(5) Being in urgent need of insulin.

(6) For purposes of this subdivision, "urgent need of insulin" means having readily available for use​ less than a seven-day supply of insulin and in need of insulin in order to avoid the likelihood of suffering​ significant health consequences.​

(f) To access to urgent-need insulin, the West Virginia Board of Pharmacy shall develop an application form to be used by​ an individual who is in urgent need of insulin.

(1) The application must ask the individual to attest to the eligibility​ requirements described in subsection (e).

(2) The form shall be accessible through the West Virginia Board of Pharmacy's website and shall also be available to pharmacies and health care providers who prescribe or dispense insulin,​ hospital emergency departments, urgent care clinics, and community health clinics.

(g) By submitting a completed,​ signed, and dated application to a pharmacy, the individual attests that the information contained in the​ application is correct.​ If the individual is in urgent need of insulin, the individual may present a completed, signed, and​ dated application form to a pharmacy. The individual must also:​

(1) Have a valid insulin prescription; and​

(2) Present the pharmacist with identification indicating West Virginia residency in the form of a valid​ West Virginia identification card, driver's license, or permit.

(3) If the individual in urgent need of insulin is under​ the age of 18, the individual's parent or legal guardian must provide the pharmacist with proof of residency.​

(h) Upon receipt of a completed and signed application, the pharmacist shall dispense the prescribed​ insulin in an amount that will provide the individual with a 30-day supply. The pharmacy must notify the​ health care practitioner who issued the prescription order no later than 72 hours after the insulin is dispensed.​

(i) The pharmacy may submit to the manufacturer of the dispensed insulin product or to the manufacturer's​ vendor a claim for payment that is in accordance with the National Council for Prescription Drug Program​ standards for electronic claims processing, unless the manufacturer agrees to send to the pharmacy a​ replacement supply of the same insulin as dispensed in the amount dispensed. If the pharmacy submits an​ electronic claim to the manufacturer or the manufacturer's vendor, the manufacturer or vendor shall reimburse​ the pharmacy in an amount that covers the pharmacy's acquisition cost.​

(j) The pharmacy may collect an insulin co-payment from the individual to cover the pharmacy's costs​ of processing and dispensing in an amount not to exceed $35 for the 30-day supply of insulin dispensed.

(k) The pharmacist shall retain a copy of the application form submitted by the individual to the pharmacy​ for reporting and auditing purposes.

NOTE: The purpose of this bill is to establish an insulin safety net program.

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