

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

**Introduced**

### **Senate Bill 618**

By Senator Maroney

[Introduced February 14, 2023; referred  
to the Committee on Health and Human Resources]

1 A BILL to amend and reenact §33-24-7t of the Code of West Virginia, 1931, as amended, relating  
 2 to cost-sharing calculations; defining terms; and providing that the fairness in cost-sharing  
 3 calculation does not apply to the voluntary Cost Share Assistance Program.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 24. HOSPITAL SERVICE CORPORATIONS, MEDICAL SERVICE  
 CORPORATIONS, DENTAL SERVICE CORPORATIONS AND HEALTH  
 SERVICE CORPORATIONS.**

**§33-24-7t. Fairness in Cost-Sharing Calculation.**

1 (a) As used in this section:

2 "Cost share assistance program" means a voluntary program offered in conjunction with  
 3 an insured's policy, contract, plan or agreement in which the value of a pharmaceutical  
 4 manufacturer's cost assistance program is applied to reduce an insured's out of pocket costs to a  
 5 fixed monthly amount for the calendar year, for a specific drug therapy, and any actual costs the  
 6 insured pays while in the program are applied to the insured's deductible and out of pocket  
 7 maximum responsibility.

8 "Cost sharing" means any copayment, coinsurance, or deductible required by or on behalf  
 9 of an insured in order to receive a specific health care item or service covered by a health plan.

10 "Drug" means the same as the term is defined in §30-5-4(19) of this code.

11 "Person" means a natural person, corporation, mutual company, unincorporated  
 12 association, partnership, joint venture, limited liability company, trust, estate, foundation, nonprofit  
 13 corporation, unincorporated organization, or government or governmental subdivision or agency.

14 "Pharmacy benefits manager" means the same as that term is defined in §33-51-3 of this  
 15 code.

16 (b) When calculating an insured's contribution to any applicable cost sharing requirement,  
 17 including, but not limited to, the annual limitation on cost sharing subject to 42 U.S.C. §18022(c)

18 and 42 U.S.C. § 300gg-6(b):

19 (1) An insurer shall include any cost sharing amounts paid by the insured or on behalf of  
20 the insured by another person: Provided, That this requirement shall not apply to any amounts  
21 obtained under an insurer's voluntary Cost Share Assistance Program; and

22 (2) A pharmacy benefits ~~manger~~ manager shall include any cost sharing amounts paid by  
23 the insured or on behalf of the insured by another person.

24 (c) The commissioner is authorized to propose rules for legislative approval in accordance  
25 with §29A-3-1 *et seq.* of this code, to implement the provisions of this section.

26 (d) This section is effective for policy, contract, plans, or agreements beginning on or after  
27 January 1, 2020. This section applies to all policies, contracts, plans, or agreements, subject to  
28 this article that are delivered, executed, issued, amended, adjusted, or renewed in this state on or  
29 after the effective date of this section.

NOTE: The purpose of this bill is to define a voluntary cost share assistance program and provide that this law not to apply to amounts obtained under this 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.