

PRESCRIPTION DRUG ACCESS IN RURAL AREAS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Dixon M. Pitcher

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends the Pharmacy Practice Act to provide access to pharmacies in rural areas of the state.

Highlighted Provisions:

This bill:

▶ amends provisions of the Pharmacy Practice Act to prohibit a third party payor of prescription drug benefits from charging a patient higher copayments for a prescription drug if the patient resides in a rural area of the state and chooses not to use an out-of-state mail order pharmacy.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-17b-619, as enacted by Laws of Utah 2004, Chapter 280

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **58-17b-619** is amended to read:

58-17b-619. Third party payors -- Mail-order pharmacies -- Rural access.



28 (1) Any third party payor for pharmaceutical services within the state, ~~[or]~~ including its
29 agent or contractor or its pharmacy benefits manager or coordinator, may not require any
30 pharmacy patient to obtain prescription drug benefits from a specific out-of-state pharmacy or
31 mail-order pharmacy as a condition of obtaining third party payment prescription drug benefit
32 coverage as defined in rule.

33 (2) (a) ~~[This]~~ Except as provided in Subsection (2)(c), this section does not prohibit
34 any third party payor of pharmaceutical services, who provides for reimbursement to the
35 pharmacy patient or payment on ~~[his]~~ the patient's behalf, from exercising the right to limit the
36 amount reimbursed for the cost of prescription drugs based upon the cost of identical
37 prescription drugs available through a designated out-of-state or mail-order pharmacy.

38 (b) Notwithstanding Subsection (2)(a), any third party payor of pharmaceutical services
39 may restrict the type of outlet where a patient may obtain certain prescriptive drugs and
40 devices, such as injectable medications, that are not readily available in all pharmacies. The
41 payor may also restrict access to no more than one mail-order pharmacy.

42 (c) Notwithstanding the provisions of Subsection (2)(a), a third party payor of
43 pharmaceutical services, who provides for reimbursement to the pharmacy patient or payment
44 on the patient's behalf, may not limit the amount reimbursed to either the patient or the
45 pharmacy for the cost of prescription drugs based upon the cost of identical prescription drugs
46 available through a designated out-of-state pharmacy or mail-order pharmacy if the prescription
47 is filled at a pharmacy located in a county of the second through sixth class as provided in
48 Section 17-50-501.

49 (3) Each third party payor of pharmaceutical services shall identify as a part of the third
50 party agreement or contract the designated out-of-state pharmacy which shall be used as the
51 base line comparison.

52 (4) (a) A violation of this section is a class A misdemeanor.

53 (b) Each violation of this section is a separate offense.

Legislative Review Note
as of 12-7-11 2:44 PM

Office of Legislative Research and General Counsel