

1 S.5

2 Introduced by Senators Sears and Hartwell

3 Referred to Committee on

4 Date:

5 Subject: Health; health insurance; prescription drugs; cost sharing

6 Statement of purpose: This bill proposes to limit the amount of the
7 co-payment health insurers may require from their subscribers for prescription
8 drugs.

9 An act relating to prescription drug co-payments

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 Sec. 1. 8 V.S.A. § 4089j is amended to read:

12 § 4089j. RETAIL PHARMACIES; FILLING OF PRESCRIPTIONS

13 (a) A health insurer and pharmacy benefit manager doing business in
14 Vermont shall permit a retail pharmacist licensed under chapter 36 of Title 26
15 to fill prescriptions in the same manner and at the same level of reimbursement
16 as they are filled by mail order pharmacies with respect to the quantity of drugs
17 or days' supply of drugs dispensed under each prescription; provided,
18 however, that no health insurer shall require an insured to pay more than two
19 prescription drug co-payments for a 90-day supply of a drug, regardless of
20 whether the prescription is filled by a retail pharmacist or mail order pharmacy.

1 (b) As used in this section:

2 (1) "Health insurer" is defined by ~~section~~ 18 V.S.A. § 9402 of Title 18.

3 (2) "Pharmacy benefit manager" means an entity that performs
4 pharmacy benefit management. "Pharmacy benefit management" means an
5 arrangement for the procurement of prescription drugs at negotiated dispensing
6 rates, the administration or management of prescription drug benefits provided
7 by a health insurance plan for the benefit of beneficiaries, or any of the
8 following services provided with regard to the administration of pharmacy
9 benefits:

10 (A) mail service pharmacy;

11 (B) claims processing, retail network management, and payment of
12 claims to pharmacies for prescription drugs dispensed to beneficiaries;

13 (C) clinical formulary development and management services;

14 (D) rebate contracting and administration;

15 (E) certain patient compliance, therapeutic intervention, and generic
16 substitution programs; and

17 (F) disease management programs.

18 (c) This section shall apply to Medicaid, the Vermont health access plan,
19 the ~~VScript~~ VermontRx pharmaceutical assistance program, and any other
20 public health care assistance program.

- 1 Sec. 2. EFFECTIVE DATE
- 2 This act shall take effect on passage.