H.B. 54

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

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

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

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

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

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

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