

CONSUMER ACCESS TO PRESCRIPTION

DRUG PRICING DATA

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: David Ure

LONG TITLE

General Description:

This bill amends the Pharmacy Practice Act, requiring any pharmacy who receives reimbursement from Medicaid or the Utah Medical Assistance Program to provide a list of prescription drug prices for consumer review at the dispensing location and requires the pharmacy to update the price list. It designates noncompliance to be unprofessional conduct and grounds for revocation of licensure and makes technical changes.

Highlighted Provisions:

This bill:

- requires certain pharmacies to provide data on prescription drug prices;
- requires the price list to be kept current on a quarterly and monthly basis;
- requires ready access by the recipient, patient, or consumer to the price list at the dispensing location;
- designates noncompliance to be unprofessional conduct; and
- makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a coordination clause.

Utah Code Sections Affected:

AMENDS:



28 **58-17a-502**, as last amended by Chapter 184, Laws of Utah 2002
29 ENACTS:
30 **58-17a-621**, Utah Code Annotated 1953

31
32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section **58-17a-502** is amended to read:

34 **58-17a-502. Unprofessional conduct.**

35 "Unprofessional conduct" includes:

36 (1) willfully deceiving or attempting to deceive the division, the board, or their agents
37 as to any relevant matter regarding compliance under this chapter;

38 (2) (a) paying rebates to practitioners or any other health care providers, or entering
39 into any agreement with a medical practitioner or any other person for the payment or
40 acceptance of compensation or its economic equivalent for recommending of the professional
41 services of either party, except as allowed under Subsection (2)(b); and

42 (b) price discounts conditional upon volume purchases are not prohibited under
43 Subsection (2)(a);

44 (3) misbranding or adulteration of any drug or device or the sale, distribution, or
45 dispensing of any misbranded or adulterated drug or device;

46 (4) engaging in the sale or purchase of drugs or devices that are samples or packages
47 bearing the inscription "sample" or "not for resale" or similar words or phrases;

48 (5) accepting back and redistributing of any unused drug, or a part of it, after it has left
49 the premises of any pharmacy, unless the drug is in the original sealed unit dose package or
50 manufacturer's sealed container;

51 (6) being employed as a pharmacist, pharmacy intern, or pharmacy technician, or
52 sharing or receiving compensation in any form arising out of an act incidental to professional
53 activities in the course of which any person requires him to engage in any aspects of the
54 practice of pharmacy in violation of this chapter;

55 (7) violation of Federal Title II, P.L. 91, Controlled Substances Act, or Title 58,
56 Chapter 37, Utah Controlled Substances Act, or rules and regulations adopted under either of
57 them;

58 (8) requiring or permitting pharmacy interns or technicians to engage in activities

outside the scope of practice for their respective license classifications as defined in this chapter and division rules made in collaboration with the board, or beyond an individual's scope of training and ability;

(9) administering without:

(a) appropriate training as defined by rule;

(b) written guidelines or protocols of a practitioner or in conflict with such guidelines or protocols; or

(c) a lawful order, when one is required by law; ~~and~~

(10) disclosing confidential patient information in violation of the provisions of the Health Insurance Portability and Accountability Act of 1996 or other applicable law[-]; and

(11) failing to provide a prescription drug price list for prescription drugs as required in Section 58-17a-621.

Section 2. Section **58-17a-621** is enacted to read:

58-17a-621. Prescription drug price list.

(1) Any pharmacy in the state that receives reimbursement for its pharmaceutical services from Medicaid or the Utah Medical Assistance Program established in Section 26-18-10 shall provide an accurate and current list of prescription drug prices at the dispensing location to any recipient, pharmacy patient, or consumer.

(2) The prescription drug price list shall be readily available to the recipient, pharmacy patient, or consumer upon request and maintained in a looseleaf binder.

(3) The pharmacy shall provide accurate data in the price list on:

(a) a quarterly basis for the 150 most frequently dispensed prescription drugs; and

(b) a monthly basis for the 25 most frequently dispensed prescription drugs.

(4) This section does not apply to an inpatient pharmacy located in a hospital or long-term care facility licensed under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act, when the prescription drug is dispensed to any inpatient of that facility.

Section 3. **Coordinating H.B. 350 with S.B. 114.**

If this H.B. 350 and S.B. 114, Amendments to Prescribing, Preparation, and Dispensing of Prescription Drugs, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, shall:

(1) insert the following language as Subsection 58-17b-502(15):

90 "(15) failing to provide a prescription drug price list for prescription drugs as required
91 by Section 58-17b-622.";
92 (2) delete the "and" after Subsection 58-17b-502(13) and insert "and" after Subsection
93 58-17b-502(14); and
94 (3) renumber Section 58-17a-621 in H.B. 350 to Section 58-17b-622.

Legislative Review Note
as of 2-10-04 2:23 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0350

Consumer Access to Prescription Drug Pricing Data*16-Feb-04**10:33 AM*

State Impact

The effects of this bill can be handled within existing budgets.

Individual and Business Impact

Impacts on businesses are expected to be minor.

Office of the Legislative Fiscal Analyst