

119 (c) The division may establish a fee, in accordance with Title 63J, Chapter 1,
 120 Budgetary Procedures Act, for the initial registration and the annual renewal of the registration.

121 (d) The division shall:

122 (i) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative
 123 Rulemaking Act, to establish an application process and an application form for registration
 124 under this chapter; and

125 (ii) retain the registration fees imposed under Subsection (7)(c) as a dedicated credit, as
 126 defined in Section 51-5-3, to the division to pay for the cost of administering this chapter.

127 (e) The following entities are not required to register as a pharmacy benefit manager
 128 under Subsection (7)(a) when the entity is providing formulary services to the entity's patients,
 129 employees, members, or beneficiaries:

130 (i) a health care facility licensed under Title 26, Chapter 21, Health Care Facility
 131 Licensing and Inspection Act;

132 (ii) a pharmacy licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

133 (iii) a health care professional licensed under Title 58, Occupations and Professions;

134 and

135 (iv) a labor union.

136 (8) This section does not apply to a pharmacy benefit manager when the pharmacy
 137 benefit manager is providing pharmacy benefit management services on behalf of the state
 138 Medicaid program.

139 Section 5. Section **58-86-104** is enacted to read:

140 **58-86-104. Self-audit and certification to division -- Complaints.**

141 (1) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
 142 Administrative Rulemaking Act, that:

143 (a) for the purpose of ensuring compliance with the provisions of this ~~H~~→ [chapter]
 143a section ~~H~~ , require a

144 self-audit and certification of a person:

145 (i) registered under this ~~H~~→ [chapter] section ~~H~~ ; or

146 (ii) who engages in activities that require registration under this ~~H~~→ [chapter]

146a section ~~H~~ ;

147 (b) create a form on which a person described in Subsection (1)(a):

148 (i) certifies that the person is in full compliance with each requirement of this chapter

149 and any other applicable laws, rules, regulations, or registration conditions; and

150 (ii) names each insurance carrier with which the person engages as a pharmacy benefit
 151 manager; and

152 (c) establish procedures to:

153 (i) receive, evaluate, and investigate complaints regarding failures to comply with this

154 **H→ [chapter] section ←H** by a person described in Subsection (1)(a), including, if applicable,
 154a adjudicative

155 procedures under Title 63G, Chapter 4, Administrative Procedures Act; and

156 (ii) provide the notice described in Section 58-86-105.

157 (2) A person described in Subsection (1)(a) shall honestly and in good faith complete
 158 the self-audit and certification process described in Subsections (1)(a) and (b).

159 Section 6. Section **58-86-105** is enacted to read:

160 **58-86-105. Notification of Insurance Department, insurance carriers.**

161 (1) (a) The division shall give the notice described in Subsection (1)(b) when, through
 162 procedures established under Subsection 58-86-104(1)(c), the division:

163 (i) receives a complaint that a person who is not registered in compliance with this

164 **H→ [chapter] section ←H** is conducting business as a pharmacy benefit manager or providing
 164a pharmacy benefit

165 management services, as defined in Section 49-20-502; and

166 (ii) determines that the complaint described in Subsection (1)(a)(i) is true.

167 (b) The division shall ensure that the notice required in Subsection (1)(a) contains a
 168 statement:

169 (i) that the person is not registered as a pharmacy benefit manager as required by this

170 **H→ [chapter] section ←H** ; and

171 (ii) that the person is prohibited from providing services as a pharmacy benefit
 172 manager.

173 (c) The division shall give the notice required in Subsection (1)(a) to:

174 (i) the person who is the subject of the complaint described in Subsection (1)(a);

175 (ii) each insurance carrier with which the division has reason to believe the person
 176 engages as a pharmacy benefit manager; and

177 (iii) the Insurance Department, to promote insurer compliance with Section
 178 31A-22-640.

179 (2) To promote insurer compliance with Section 31A-22-640, the division shall, at
 180 least once every three months, provide the Insurance Department with a list of all current and