

# House Bill 3015

Sponsored by Representative NATHANSON; Representatives DEXTER, FAHEY, GOODWIN, LEVY B, MORGAN, NOSSE, Senators DEMBROW, FINDLEY, HANSELL, PATTERSON, THATCHER (Presession filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits pharmacy benefit manager, after adjudication of and payment on claim for reimbursement of prescription drug, from recouping reimbursement paid except as part of routine audit, or from imposing retroactive fee on basis that was not determined when claim was adjudicated.

## A BILL FOR AN ACT

1  
2 Relating to pharmacy benefit managers; amending ORS 735.536.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 735.536 is amended to read:

5 735.536. (1) As used in this section, "out-of-pocket cost" means the amount paid by an enrollee  
6 under the enrollee's coverage, including deductibles, copayments, coinsurance or other expenses as  
7 prescribed by the Department of Consumer and Business Services by rule.

8 (2) A pharmacy benefit manager registered under ORS 735.532:

9 (a) May not require a prescription to be filled or refilled by a mail order pharmacy as a condi-  
10 tion for reimbursing the cost of the drug.

11 (b) Except as provided in paragraph (c) of this subsection, may require a prescription for a  
12 specialty drug to be filled or refilled at a specialty pharmacy as a condition for the reimbursement  
13 of the cost of a drug.

14 (c) Shall reimburse the cost of a specialty drug that is filled or refilled at a network pharmacy  
15 that is a long term care pharmacy.

16 (d)(A) Shall allow a network pharmacy to mail, ship or deliver prescription drugs to its patients  
17 as an ancillary service.

18 (B) Is not required to reimburse a delivery fee charged by a pharmacy for a delivery described  
19 in subparagraph (A) of this paragraph unless the fee is specified in the contract between the phar-  
20 macy benefit manager and the pharmacy.

21 (e) May not require a patient signature as proof of delivery of a mailed or shipped prescription  
22 drug if the network pharmacy:

23 (A)(i) Maintains a mailing or shipping log signed by a representative of the pharmacy; or

24 (ii) Maintains each notification of delivery provided by the United States Postal Service or a  
25 package delivery service; and

26 (B) Is responsible for the cost of mailing, shipping or delivering a replacement for a drug that  
27 was mailed or shipped but not received by the enrollee.

28 (f) May not penalize a network pharmacy for or otherwise directly or indirectly prevent a net-  
29 work pharmacy from informing an enrollee of the difference between the out-of-pocket cost to the  
30 enrollee to purchase a prescription drug using the enrollee's pharmacy benefit and the pharmacy's

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 usual and customary charge for the prescription drug.

2 **(g) After the adjudication of and payment on a claim for reimbursement at the point of**  
3 **sale for a drug dispensed by a pharmacy or other dispenser:**

4 **(A) May not recoup all or a portion of the reimbursement paid except during the course**  
5 **of a routine audit conducted pursuant to a contract between the pharmacy benefit manager**  
6 **and the dispenser.**

7 **(B) May not impose a retroactive fee associated with the reimbursement on a basis that**  
8 **was not determined at the time the claim for reimbursement was adjudicated at the point**  
9 **of sale.**

10 (3) The Department of Consumer and Business Services may adopt rules to carry out the pro-  
11 visions of this section.

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