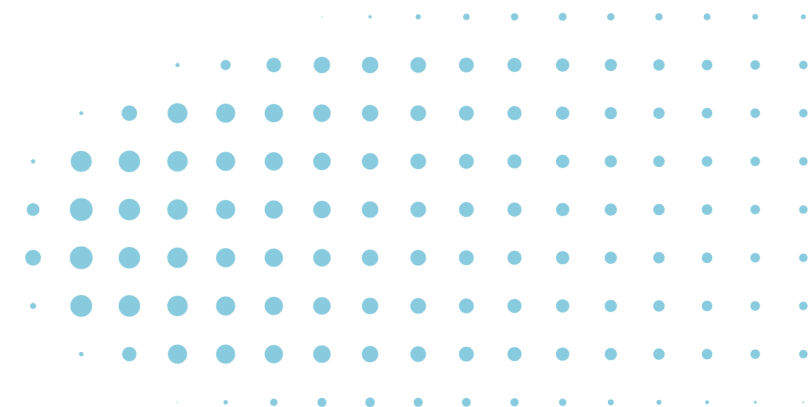


OREGON PRIMARY CARE ASSOCIATION

**House Committee on Behavioral Health
& Health Care**

HB 3409 -2

April 21, 2025



What HB 3409 -2 Does

HB 3409 -2

- Define Covered Entities as 42 U.S.C. 256b(a)(4)(A), (C) to (G)
- Allow a PBM to require a modifier ONLY IF a covered entity has NOT submitted their data to a clearinghouse of their choosing
- Ensure the covered entity can only select a clearinghouse that does not have a conflict of interest with a covered entity, PBM, or pharmaceutical manufacturer
- Ensure the covered entity can only select a clearinghouse that provides validated 340b claims information to pharmaceutical manufacturers and PBMs necessary to determine whether or not the PBM is eligible for a rebate
- Ensure no additional information is shared/sold/disclosed
- Makes clear that nothing in this requires a PBM to participate in or subscribe to a clearinghouse

What HB 3409 -2 Does Not Do

Medicaid Compliance

- 340B Duplicate Discounts in Medicaid are prohibited by federal law
 - Oregon uses a nationally recognized clearinghouse model to ensure compliance with Medicaid
- According to OHA's [340B State Policy dated January 2024](#)
 - "Oregon does **not** currently use "submission clarification codes" or medical claims modifiers to avoid duplicate discounts or for any other purpose."

Double Payment Problem

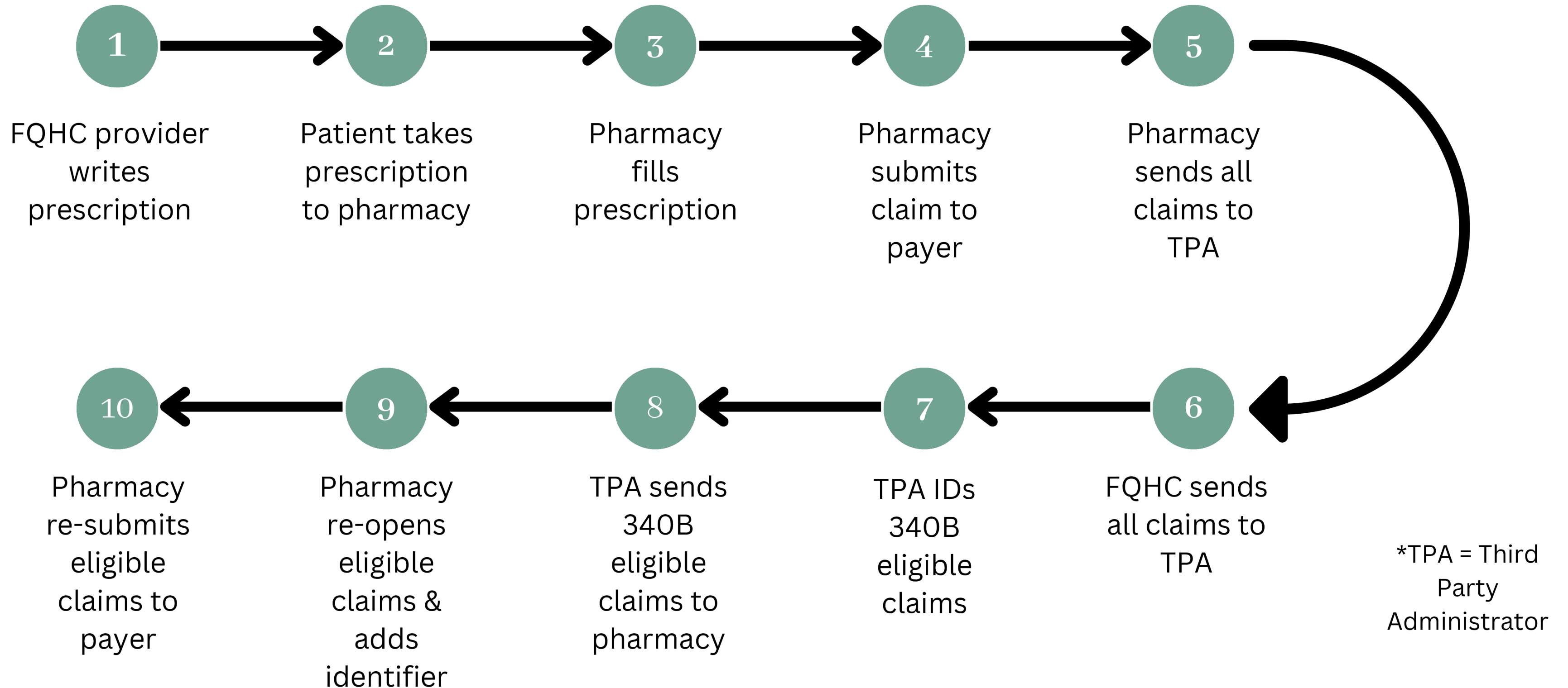
Drug manufacturers and PBMs

- The manufacturer pays the PBM a rebate for each unit of a drug dispensed to patients
- Manufacturers DO NOT pay rebates for drugs dispensed under 340B

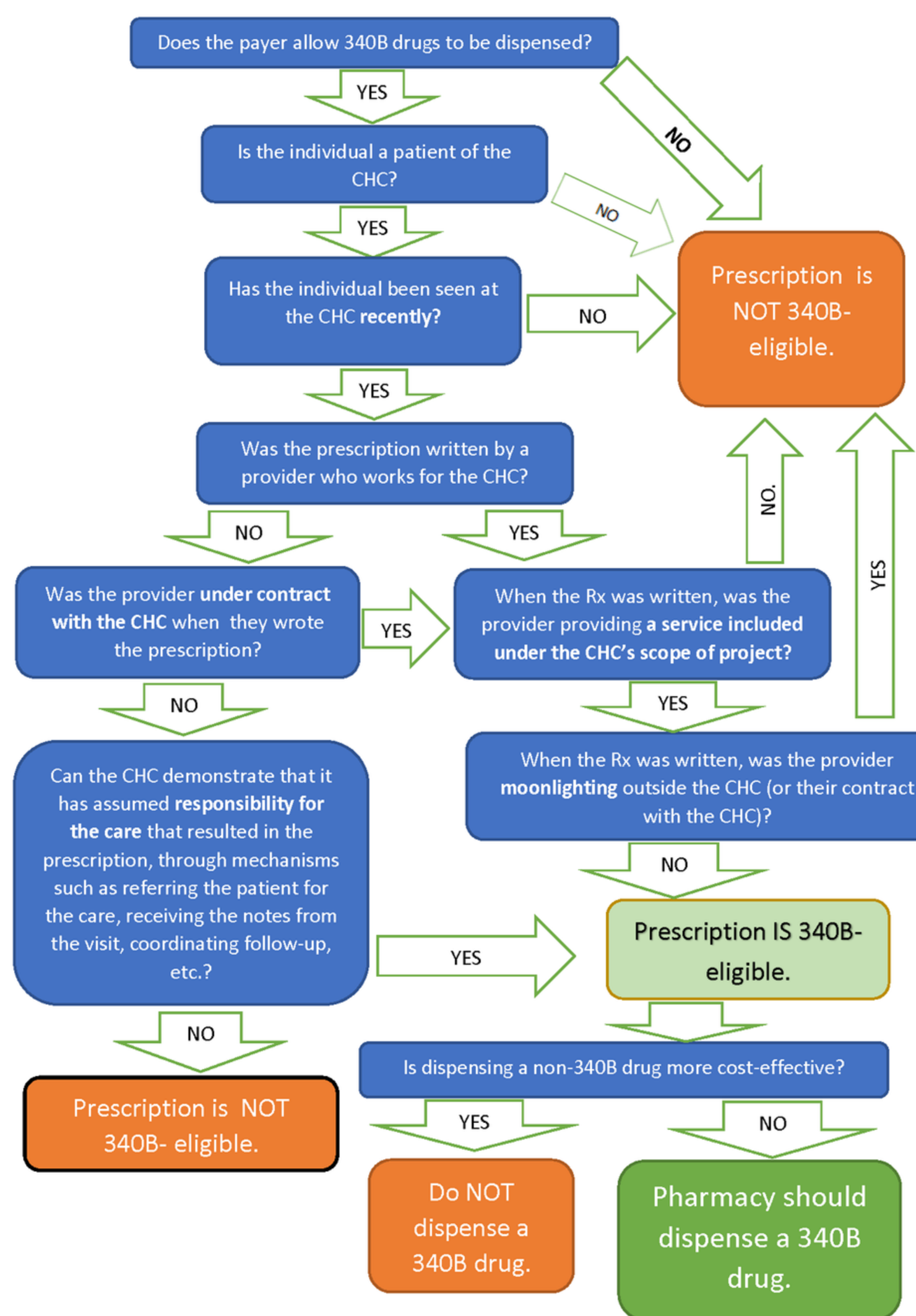
Duplicate payment avoidance

- PBMs require a claim identifier/modifier be attached to every 340B claim
- Unfortunately, a drug's 340B status is unknown at the point of sale at almost all contract pharmacies

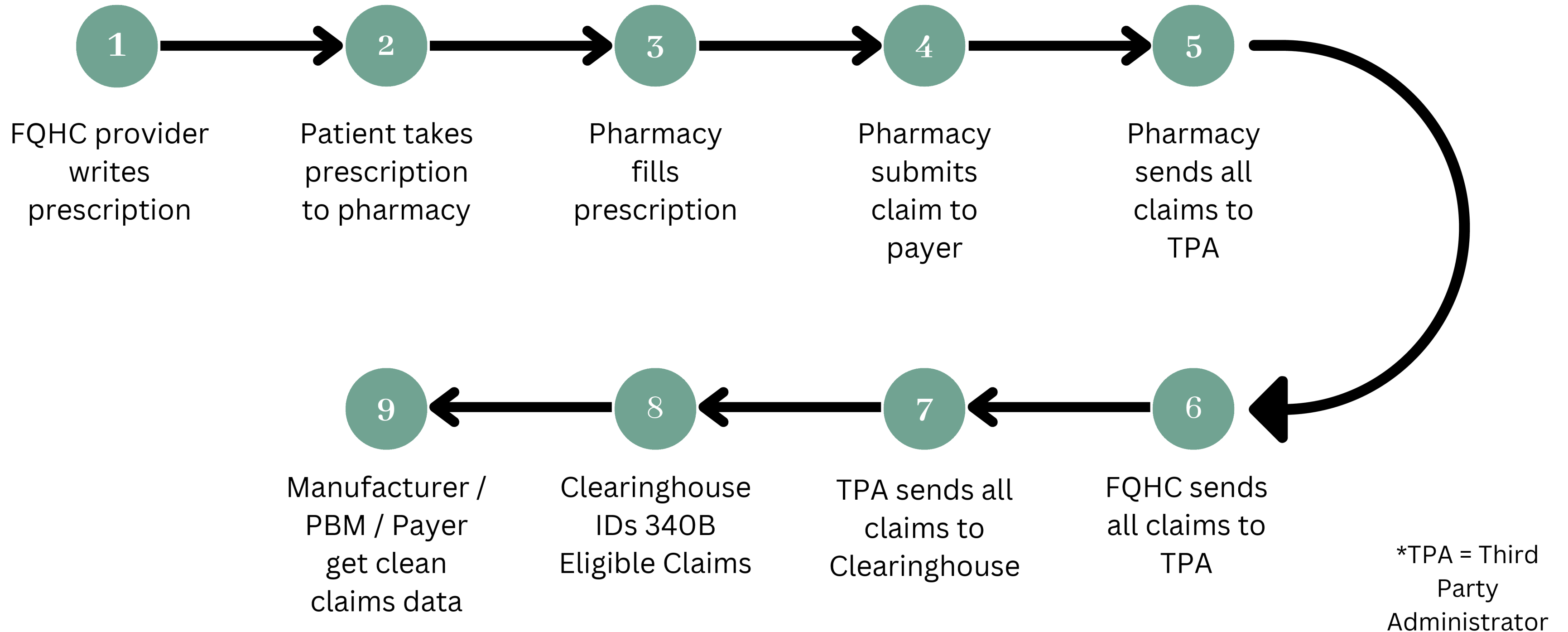
Determining a Prescription is 340B Eligible - Current State



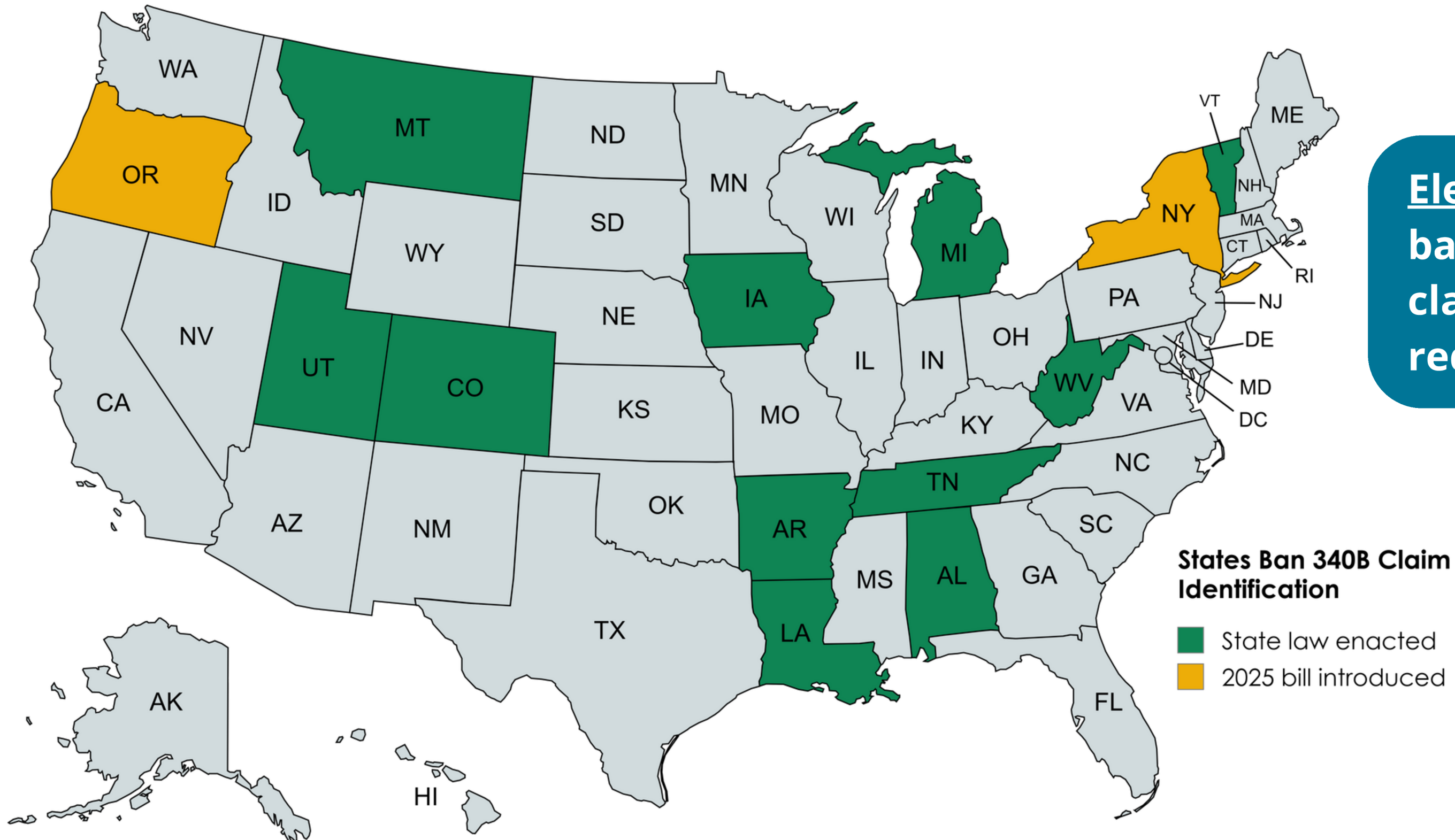
340B compliance is a complicated, thorough process



Determining a Prescription is 340B Eligible - Under HB 3409 -2



State Action: 340B Modifier



Eleven states have
banned PBM 340B
claim identifier
requirements

THANK YOU

ANY
QUESTIONS?



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