# Bill as Introduced

**HB 546 – AS AMENDED BY THE HOUSE**

25mar03... 0735h

2003 SESSION

03-0959
01/09

HOUSE BILL ***546***

AN ACT relative to uniform prescription drug information cards.

SPONSORS: Rep. Kathleen Taylor, Straf 70

COMMITTEE: Commerce

---

ANALYSIS

This bill requires that insurers providing coverage for prescription drugs issue to their enrollees a card or other similar item containing uniform prescription drug information.

---

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

# HB 546 – AS AMENDED BY THE HOUSE

25mar03... 0735h

03-0959
01/09

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Three*

AN ACT relative to uniform prescription drug information cards.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 Statement of Intent. It is the intent of the general court to improve care to patients by minimizing confusion, eliminating unnecessary paperwork, decreasing administrative burdens, and streamlining dispensing of prescription products paid for by third party payors.

2 New Section; Accident and Health Insurance; Individual; Prescription Drug Cards. Amend RSA 415 by inserting after section 6-i the following new section:

415:6-j Individual Policy Prescription Drug Information Cards.

I. Each insurer that issues or renews any individual policy of accident or health insurance which provides coverage for prescription drugs or devices or which contracts with an entity providing such prescription drug coverage, including but not limited to pharmacy benefit manager companies, shall issue to certificate holders a card or other technology containing uniform prescription drug information. The uniform prescription drug information card or technology shall include all of the fields required by the health insurance provider for claims processing in a clear, readable, and understandable manner on the card or other technology issued and shall include, at a minimum, the following information:

(a) The name or trademark logo of the insurer and, if another company administers the prescription benefit, the name or trademark logo of the benefit administrator.

(b) The certificate holder's name and identification number.

(c) All of the electronic transaction routing information required by the insurer or its benefit administrator in order for the pharmacy to electronically process a prescription claim, including but not limited to the BIN number labeled as such or the Processor Control Number labeled as such, or both.

II. All subscriber health insurance cards issued after January 1, 2004 shall contain the information required under paragraph I.

III. A new uniform prescription drug information card, as required under this section, shall be issued by an insurer upon enrollment of new members and when reissuing a new card to current members when there is a change in the certificate holder's pharmacy coverage that affects data contained on the card.

3 New Section; Accident and Health Insurance; Group; Prescription Drug Cards. Amend RSA 415 by inserting after section 18-m the following new section:

415:18-n Group or Blanket Plan Prescription Drug Information Cards.

I. Each insurer that issues or renews any policy of group or blanket accident or health insurance which provides coverage for prescription drugs or devices, or which contracts with an entity providing such prescription drug coverage, including but not limited to pharmacy benefit manager companies, shall issue to certificate holders a card or other technology containing uniform prescription drug information. The uniform prescription drug information card or technology shall include all of the fields required by the health insurance provider for claims processing in a clear, readable, and understandable manner on the card or other technology issued and shall include, at a minimum, the following information:

(a) The name or trademark logo of the insurer and, if another company administers the prescription benefit, the name or trademark logo of the benefit administrator;

(b) The certificate holder's name and identification number;

(c) All of the electronic transaction routing information required by the insurer or its benefit administrator in order for the pharmacy to electronically process a prescription claim, including but not limited to the BIN number labeled as such or the Processor Control Number labeled as such, or both.

II. All subscriber health insurance cards issued after January 1, 2004 shall contain the information required under paragraph I.

III. A new uniform prescription drug information card, as required under this section, shall be issued by an insurer upon enrollment of new members and when reissuing a new card to current members when there is a change in the certificate holder's pharmacy coverage that affects data contained on the card.

4 Health Service Corporations; Prescription Drug Cards. Amend RSA 420-A:2 to read as follows:

420-A:2 Applicable Statutes. Every health service corporation shall be governed by this chapter and the relevant provisions of RSA 161-H, and shall be exempt from this title except for the provisions of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415-A, RSA 415-F, RSA 415:6, II(4), RSA 415:6-g, ***RSA 415:6-j***, RSA 415:18, V, RSA 415:18, VII(g), RSA 415:18, VII-a, RSA 415:18-a, RSA 415:18-j, ***RSA 415:18-n***, RSA 415:22, RSA 417, RSA 417-E, RSA 420-J, and all applicable provisions of title XXXVII wherein such corporations are specifically included. Every health service corporation and its agents shall be subject to the fees prescribed for health service corporations under RSA 400-A:29, VII.

5 New Paragraphs; Managed Care; Prescription Drug Cards. Amend RSA 420-J:7-b by inserting after paragraph IV the following new paragraphs:

V. Every health benefit plan that provides coverage for prescription drugs or devices, or administers such a plan, or which contracts with an entity providing such prescription drug coverage, including but not limited to pharmacy benefit manager companies, shall issue to covered persons a card or other technology containing uniform prescription drug information. The uniform

prescription drug information card or technology shall include all of the fields required by the health insurance provider for claims processing in a clear, readable, and understandable manner on the card or other technology issued and shall include, at a minimum, the following information:

(a) The name or trademark logo of the insurer and, if another company administers the prescription benefit, the name or trademark logo of the benefit administrator.

(b) The covered person's name and identification number.

(c) All of the electronic transaction routing information required by the insurer or its benefit administrator in order for the pharmacy to electronically process a prescription claim, including but not limited to the BIN number labeled as such or the Processor Control Number labeled as such, or both.

VI. All subscriber health insurance cards issued after January 1, 2004 shall contain the information required under paragraph V.

VII. A new uniform prescription drug information card, as required under paragraph V, shall be issued by health benefit plan upon enrollment of new members and when reissuing a new card to current members when there is a change in the covered person's pharmacy coverage that affects data contained on the card.

6 Effective Date. This act shall take effect 60 days after its passage.

# Amendments

Rep. Kurk, Hills. 48
April 29, 2003
2003-1427h
01/09

Amendment to HB 546

Amend RSA 415:6-j as inserted by section 2 of the bill by inserting after paragraph III the following new paragraph:

IV. The card or other technology issued pursuant to this section shall not contain or cause to be disclosed information which could access certificate holders' medical history, including, but not limited to the certificate holder's social security number, medical history, including drug history, or contact numbers.

Amend RSA 415:18-n as inserted by section 2 of the bill by inserting after paragraph III the following new paragraph:

IV. The card or other technology issued pursuant to this section shall not contain or cause to be disclosed information which could access certificate holders' medical history, including but not limited to the certificate holder's social security number, medical history, including drug history, or contact numbers.

Amend RSA 420-J:7-b, VI as inserted by section 5 of the bill by replacing it with the following:

VI. All subscriber health insurance cards issued after January 1, 2004 shall contain the information required under paragraph V; provided, that such card or other technology shall not contain or cause to be disclosed information which could access covered persons' medical history, including, but not limited to the covered person's social security number, medical history, including drug history, or contact numbers.

Sen. Flanders, Dist. 7
May 16, 2003
2003-1672s
01/10

Amendment to HB 546

Amend the title of the bill by replacing it with the following:

AN ACT relative to uniform prescription drug information cards and relative to nurses possessing and administering prescription drugs.

Amend the bill by inserting after section 5 the following and renumbering the original section 6 to read as 7:

6 Possessing Prescription Drugs. Amend RSA 318:42, XI to read as follows:

XI. A [~~licensed registered~~] nurse ***licensed under RSA 326-B*** who is an employee of a home health care or hospice agency licensed pursuant to RSA 151:2, and who [~~is licensed by the board of nursing as a registered nurse~~] ***is acting in the course of his or her employment,*** from possessing[~~, in the course of employment,~~] such noncontrolled prescription drugs as are approved by the board of nursing and agreed upon jointly by the board of registration in medicine and the pharmacy board and[~~, in the course of such employment,~~] from administering such preapproved noncontrolled prescription drugs according to written protocols approved annually by such employer's professional advisory committee which includes a physician licensed by the board of registration in medicine.

2003-1672s

AMENDED ANALYSIS

This bill requires that insurers providing coverage for prescription drugs issue to their enrollees a card or other similar item containing uniform prescription drug information.

This bill also clarifies the procedure for licensed nurses to possess and administer prescription drugs.

Insurance
May 27, 2003
2003-1826s
01/10

Amendment to HB 546

Amend the title of the bill by replacing it with the following:

AN ACT relative to uniform prescription drug information cards and relative to nurses possessing and administering prescription drugs.

Amend the bill by inserting after section 5 the following and renumbering the original section 6 to read as 7:

6 Possessing Prescription Drugs. Amend RSA 318:42, XI to read as follows:

XI. A [~~licensed registered~~] nurse ***licensed under RSA 326-B*** who is an employee of a home health care or hospice agency licensed pursuant to RSA 151:2, and who [~~is licensed by the board of nursing as a registered nurse~~] ***is acting in the course of his or her employment,*** from possessing[~~, in the course of employment,~~] such noncontrolled prescription drugs as are approved by the board of nursing and agreed upon jointly by the board of registration in medicine and the pharmacy board and[~~, in the course of such employment,~~] from administering such preapproved noncontrolled prescription drugs according to written protocols approved annually by such employer's professional advisory committee which includes a physician licensed by the board of registration in medicine.

2003-1826s

AMENDED ANALYSIS

This bill requires that insurers providing coverage for prescription drugs issue to their enrollees a card or other similar item containing uniform prescription drug information.

This bill also clarifies the procedure for licensed nurses to possess and administer prescription drugs.

# Committee Minutes

Date: April 29, 2003
Time: 9:10 AM
Room: LOB 101

The Senate Committee on Insurance held a hearing on the following:

HB 546 relative to uniform prescription drug information cards.

Members of Committee present:
Senator Flanders
Senator Prescott
Senator Cohen
Senator Martel
Senator Roberge

---

The Chair, Senator Robert B. Flanders, opened the hearing. Since the Prime Sponsor, Representative Kathleen Taylor, is not here, I will recognize Stuart Trachy to speak. Thank you.

Stuart Trachy, NH Chain Drug: Good morning, Mister Chairman, members of the Committee. My name is Stuart Trachy and I'm here today representing the Chain Pharmacists in the state of New Hampshire. We represent about 75% of the pharmacists who will, on a daily basis, deal with these very confusing cards that the various insurers and providers of coverage do have.

One of the problems that we're seeing is that it takes about an average of eight minutes per phone call to make phone calls to these companies to verify what the coverage might be or why there might be a rejection. Many states have gone to the uniform card and have seen that it's been very helpful and most companies are going to this anyway. I know that when we were dealing with this bill in the House, Anthem had stated that they were including this kind of information on their cards already. We're not really more concerned about the larger companies as we are some of the smaller companies.

As I said, it takes about an average of eight minutes to verify this kind of coverage and we did have what I thought was an agreement in the House, I understand that my friend Bonnie Packard has signed in opposed to this from Harvard, but we did work out some language with Anthem and some of the other carriers and I think that the lack of opposition to this bill is that most companies are heading this way anyway. I'd be glad to answer any questions. I'm new to this industry and certainly am not as versed as some are but, we believe that the bill as it was amended in the House does have the necessary language that would allow ... and it would make it a lot easier for pharmacists to spend more time with their patients rather than behind the desk on the phone.

Senator Robert B. Flanders, D. 7: Any questions?

Senator Sheila Roberge, D. 9: Is this like a credit card?

Mr. Trachy: Well, when you have health insurance coverage many times you have a separate card for your pharmacy benefit.

Senator Sheila Roberge, D. 9: But is it like a plastic...

Mr. Trachy: ...it's a plastic card – Senator Flanders has one there.

Senator Robert B. Flanders, D. 7: This is my card, which has everything one it including prescriptions.

Senator Sheila Roberge, D. 9: So, you take that to the drug store?

Mr. Trachy: Right. When you have a prescription, you need that filled, you would present that to the pharmacist and the pharmacist should be able to read on the cover or on the back of the card all the information that they need and there would be information there relative to the type of coverage that they would have, whether it would be mandatory generics and things like that. It would be far simpler for them to look at that card and determine how they will fill it, what the co-pay will be and those kinds of issues.

Senator Robert B. Flanders, D. 7: For example, see the top of this one? Mine happens to have it on there; $5 generic, $10, $20. So, that tells the pharmacist – what you're saying is this bill does this?

Mr. Trachy: Right. It makes the information that would be on the card uniform across all the companies.

Senator Robert B. Flanders, D. 7: Any other questions? If not, thank you for your testimony.

Mr. Trachy: Thank you.

Senator Robert B. Flanders, D. 7: Would you like to speak?

Bonnie Packard, Harvard Pilgrim: I guess I will. There was a study committee in the House – in the beginning, the bill was introduced from a study committee in the House. We worked with the study committee and by *we* I mean the three insurers that are here; Anthem, Cigna and Harvard Pilgrim. We had agreed with the study committee that we will all do this as renewals. As each group renewed then – what they had requested was the BIN number and PCN number. These are apparently numbers that they felt that they needed in order to speed up the system and process.

The reason the Harvard Pilgrim is opposed is because we already do it. Anthem is now doing it. I'm not sure about Cigna. So, since we are the three major players and we're now all doing it, we felt the bill was really unnecessary.

I can show you my card. I hate to because it's got my birth date. (laughter)

Senator Robert B. Flanders, D. 7: As Chairman, no one can read her birthday.

Ms. Packard: Thank you. If you look in the left hand corner of the card, you see a PCN and a BIN. That is now on Harvard Pilgrim's and Anthem is now doing it. Again, I don't know about Cigna.

Senator Robert B. Flanders, D. 7: This is – I have the same type of thing.

Senator Sheila Roberge, D. 9: This is just for prescriptions?

Ms. Packard: No. That's – well, this is your health card, Senator Roberge. So as you can see, that is my card that I use at my doctor.

Senator Sheila Roberge, D. 9: This is for everything.

Ms. Packard: For everything, yes.

Senator Robert B. Flanders, D. 7: Like my card is everything. It tells you my prescription drugs, my prepay, plan number. So, when the pharmacist or doctor sees this card, he knows what needs to be...

Ms. Packard: ...then the pharmacist would type in those numbers.

Senator Robert B. Flanders, D. 7: Any more questions? If not, thank you. Is there anyone else wishing to speak? The Prime Sponsor has not shown. Representative Hunt, did you want to speak?

Representative John Hunt, Ches. D. 28: Why not? Since I'm the only one here. Good morning. I'm Representative John Hunt, Chairman of the House Commerce Committee, representing Rindge, Jaffrey, Dublin, Cheshire 28.

This bill is a perennial legislation that has been around for many times before. The Commerce Committee has struggled over it and has come up with the language that you have in front of you, which seems to solve this issue once and for all. We will pass it.

Senator Robert B. Flanders, D. 7: Any questions? Senator Cohen?

Senator Burton J. Cohen, D. 24: How did the hearing go in the House? Was there any opposition to it?

Representative Hunt: There's always been – the companies have always kind of dragged their feet on these issues, yes. In particular – I think at one point in time we said Anthem had an agreement so, let's get over that hump and now we see that Harvard is not too excited about it.

I think one of the reasons why the Committee has always had a difficult time with this is because so much has changed in the last couple of years. Before, just to renew your monthly prescription, you had to call and talk with the pharmacist.

Now, it's all done by computers. You just call and you dial in the number. You don't even talk to the pharmacist. So, the pharmacist's life has theoretically has been eased in that sense. However, the side of the coin is the pharmacist are under a fair amount of pressure and that is because of the tight controls that the insurance companies are putting upon them. They seem to almost on any excuse to reject and so they are spending a fair amount of time trying to process whether you have coverage or not. Frankly, a card is not going to tell you that. The card is not going to tell you whether the person hasn't paid their bill.

So, it doesn't necessarily solve all of those problems but it seemed to be – one thing that we've always strived for even when it comes to uniform applications and uniform forms – uniformity is a good thing when it comes to your coverage. In that sense, the Commerce Committee felt compelled that it was time to pass this.

Senator Robert B. Flanders, D. 7: Any other questions? If not, thank you for your testimony. Is there anyone else who wishes to speak in reference to House Bill 546? If not, I will close the hearing.

***Hearing on House Bill 546 closed at 9:25 AM.***

*Respectfully submitted,*

*Merideth Ann Chandler,*
*Senate Secretary*
*05/20/03*

*Attachments: 0*

# Speakers

# SENATE INSURANCE COMMITTEE

Date 04/29/03 Time 9:10 AM Public Hearing on **Bill # HB 546**

*relative to uniform prescription drug information cards.*

***Please check box(es) that apply.***

| SPEAKING | FAVOR | OPPOSED | NAME (Please print) | REPRESENTING |
|---|---|---|---|---|
| ☑ | ☐ | ☒ | Bonnie PACKARD | HARVARD Pilgrim |
| ☑ | ☑ | ☐ | Stuart Trachy | NH Chain Drug |
| ☑ | ☐ | ☐ | Rep. John Hunt | |
| ☐ | ☐ | ☐ | | |
| ☐ | ☐ | ☐ | | |
| ☐ | ☐ | ☐ | | |
| ☐ | ☐ | ☐ | | |
| ☐ | ☐ | ☐ | | |
| ☐ | ☐ | ☐ | | |
| ☐ | ☐ | ☐ | | |
| ☐ | ☐ | ☐ | | |
| ☐ | ☐ | ☐ | | |
| ☐ | ☐ | ☐ | | |
| ☐ | ☐ | ☐ | | |
| ☐ | ☐ | ☐ | | |
| ☐ | ☐ | ☐ | | |
| ☐ | ☐ | ☐ | | |
| ☐ | ☐ | ☐ | | |
| ☐ | ☐ | ☐ | | |
| ☐ | ☐ | ☐ | | |
| ☐ | ☐ | ☐ | | |

# Testimony

The uniform prescription card issued pursuant to this section shall not contain the certificate holder's social security number or information identifying the certificate holder's medical history.

# Committee Report

# STATE OF NEW HAMPSHIRE

# SENATE

# REPORT OF THE COMMITTEE

Date: May 28, 2003

THE COMMITTEE ON Insurance

to which was referred House Bill 546

AN ACT relative to uniform prescription drug information cards.

VOTE: 5-0

2003-1826s

Having considered the same, report the same with the following amendment and recommend that the bill: **AS AMENDED OUGHT TO PASS.**

Senator Andre Martel
For the Committee

# HB546 Docket

Next|Prev|Results List|Main|Bill Status

**Bill Title:** relative to uniform prescription drug information cards.

| Date | Body | Description |
|---|---|---|
| **1/9/2003** | **H** | Introduced and ref to Commerce; HJ 12, p199 |
| **1/28/2003** | **H** | Hearing Feb 12 2:00 RM302,LOB |
| **3/5/2003** | **H** | Subcom Work Session Mar 14 9:30 RM302,LOB |
| **3/18/2003** | **H** | Maj Report OTP/AM for Mar 25 (Vote 13-1;CC) |
| **3/18/2003** | **H** | Prop Comm Am{0735}; HC26, p708 |
| **3/25/2003** | **H** | Passed with Am; HJ 29-pt 1, p825-826 + pt 2, p965 |
| **4/3/2003** | **S** | Introduced and Ref. to Insurance; SJ 11, Pg.269 |
| **4/17/2003** | **S** | Hearing; April 29, 2003, Room 101, LOB, 9:10 a.m.; SC19 |
| **5/28/2003** | **S** | Committee Report; Ought to Pass with Amendment{1826},(New Title), [06/05/03]; SC25, Pg.28 |
| **6/5/2003** | **S** | Committee Amendment{1826},(New Title), AA, VV; SJ 19, Pg.628 |
| **6/5/2003** | **S** | Ought to Pass with Amendment{1826},(New Title), MA, VV; OT3rdg; SJ 19, Pg.628 |
| **6/5/2003** | **S** | Passed by 3rd Reading Resolution |
| **6/5/2003** | **H** | House Nonconc with Sen Am req Conf Comm, Rep Whalley MA; |
| **6/5/2003** | **H** | (Spkr appts Reps: Hunt, Fraser, Liebl & Kathleen Taylor) |
| **6/5/2003** | **S** | Sen. Flanders Accede to House Request For Committee of Conference, MA, VV |
| **6/5/2003** | **S** | President Appoints; Senators Flanders, Martel, Cohen |
| **6/12/2003** | **H** | Conf Comm Meeting June 17 11:00 RM302,LOB |
| **6/19/2003** | **S** | Committee of Conference Report; House Am{2212}, Filed; |
| **6/24/2003** | **S** | Conference Committee Report{2212}, Adopted, VV |
| **6/24/2003** | **H** | Conf Comm Report Adopted VV; |

Next|Prev|Results List|Main|Bill Status

*Docket Abbreviations*