

Amendment to SB 544-FN

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

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3 AN ACT relative to managed care laws.

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5 Amend the bill by replacing all after the enacting clause with the following:

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7 1 Managed Care Law; Prescription Drugs. Amend RSA 420-J:7-b, III-IV to read as follows:

8 III. Every health plan that provides prescription drug benefits shall provide written notice
9 in a conspicuous font and size to covered persons affected by deletions to the plan list or plan
10 formulary, provide an explanation of the exception process by which a covered person can access
11 nonformulary medically necessary prescription drugs, and provide a toll-free telephone number
12 through which a covered person can request additional information. For purposes of this paragraph,
13 covered persons affected by deletions to the plan list or plan formulary shall include those covered
14 persons for whom the health plan has provided coverage for the deleted prescription drugs during
15 the 12-month period immediately prior to the deletion. Upon notification to covered persons, the
16 health benefit plan shall allow at least [~~45~~] **60** days before implementation of any formulary
17 deletions; provided, however, that advance notice shall not be required if the federal Food and Drug
18 Administration has determined that a prescription drug on the health benefit plan's formulary is
19 unsafe. For purposes of this section, "conspicuous font and size" shall mean a font that is at least
20 [~~12~~] **14** point in size and in an easily legible font. If a covered person avails himself or herself of the
21 exception process as outlined in 420-J:7-b, II, the medication shall be covered by the health plan
22 until there is a resolution of the exception process. ***Any denial of an exceptions request shall be***
23 ***considered an adverse determination.***

24 IV. Every health benefit plan that provides prescription drug benefits shall maintain, as
25 part of its records, all of the following information, which shall be made available to the
26 commissioner upon request:

27 (a) [~~the~~] ***The*** complete drug formulary or formularies of the plan, if the plan maintains
28 a formulary, including a list of the prescription drugs on the formulary of the plan by major
29 therapeutic category with an indication of whether any drugs are preferred over the other drugs.

30 (b) ***Documentation regarding any changes to the formulary including the date***
31 ***the formulary was changed and the reason for the change.***

1 (c) *The complete maximum allowable cost list for each pharmacy subject to the*
2 *maximum allowable cost list.*

3 (d) *Documentation regarding any changes to the maximum allowable cost list*
4 *including, but not limited to, the date the maximum allowable cost list was changed and*
5 *when impacted pharmacies were notified of the change.*

6 2 Effective Date. This act shall take effect 60 days after its passage.

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AMENDED ANALYSIS

This bill amends pharmacy benefits manager reporting and examination requirements.