

HB0374/213128/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 374

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “**Delegate Kipke**” and substitute “**Delegates Kipke, Alston, Bagnall, Bhandari, Chisholm, Cullison, Guzzone, Hill, Hutchinson, S. Johnson, Kaiser, Kerr, R. Lewis, Lopez, Martinez, M. Morgan, Pena–Melnyk, Reilly, Rosenberg, Szeliga, Taveras, White, and Woods**”; strike beginning with “authorizing” in line 5 down through “Commissioner;” in line 7 and substitute “requiring the Secretary of Health to adopt certain regulations for pharmacy benefits managers that contract with managed care organizations that establish requirements for conducting audits of pharmacies or pharmacists;”; in line 9, strike “validation or”; in line 10, after “the” insert “recoupment of funds or”; in the same line, strike “and payment”; in the same line, after “fees” insert “for prescriptions of unbreakable package sizes”; strike beginning with “requiring” in line 11 down through “refund;” in line 14; and in line 17, strike “15–102.3(k)” and substitute “15–103(b)(33)”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 1 through 4, inclusive, and substitute:

“15–103.

(b) (33) THE SECRETARY SHALL ADOPT REGULATIONS FOR PHARMACY BENEFITS MANAGERS THAT CONTRACT WITH MANAGED CARE ORGANIZATIONS THAT ESTABLISH REQUIREMENTS FOR CONDUCTING AUDITS OF PHARMACIES OR PHARMACISTS THAT ARE:

(i) TO THE EXTENT PRACTICABLE, SUBSTANTIVELY SIMILAR TO THE AUDIT PROVISIONS UNDER § 15–1629 OF THE INSURANCE ARTICLE; AND

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(II) CONSISTENT WITH FEDERAL LAW.;

strike in their entirety lines 16 and 17; and in line 18, strike “**(3)**” and substitute “**(2)**”.

On page 3, strike in their entirety lines 11 through 21, inclusive; in lines 22, 24, 27, and 30, strike “**(7)**”, “**(8)**”, “**(9)**”, and “**(10)**”, respectively, and substitute “**(6)**”, “**(7)**”, “**(8)**”, and “**(9)**”, respectively; in line 22, strike “ALLOW” and substitute “ACCEPT”; in the same line, after “COMPLETED” insert “CASH”; and in line 23, after “CUSTOMER” insert “UNLESS THERE IS CONTRADICTORY INFORMATION”.

AMENDMENT NO. 3

On page 4, in lines 1 and 4, strike “**(11)**” and “**(12)**”, respectively, and substitute “**(10)**” and “**(11)**”, respectively; in lines 1, 6, 9, 18, and 20, in each instance, strike “**(M)**” and substitute “**(L)**”; and strike in their entirety lines 31 through 33, inclusive.

On page 5, strike in their entirety lines 1 through 4, inclusive, and substitute:

“(III) RECOUP ANY FUNDS FROM OR CHARGE ANY FEES TO A PHARMACY OR PHARMACIST FOR A PRESCRIPTION WITH REGARD TO AN INCORRECT DAYS OF SUPPLY CALCULATION IF THE PACKAGE SIZE OF THE MEDICATION IS UNBREAKABLE AND THE PHARMACY BENEFITS MANAGER CANNOT ACCEPT THE CORRECT MATHEMATICALLY CALCULABLE DAYS’ SUPPLY DURING PRESCRIPTION ADJUDICATION;”;

in lines 5 and 7, strike “**(V)**” and “**(VI)**”, respectively, and substitute “**(IV)**” and “**(V)**”, respectively; in line 6, after “DATA” insert “AS IT RELATES TO COST-SHARING”; in line 9, after “CUSTOMER” insert “EXCEPT IF NECESSARY TO EVALUATE COMPLIANCE TO A CONTRACT”;

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strike in their entirety lines 17 through 20, inclusive; in line 21, strike “**(1)**”; in line 22, strike “**50**” and substitute “**125**”; strike beginning with “**UNLESS**” in line 22 down through “**REQUEST**” in line 25; and strike in their entirety lines 26 through 30, inclusive.

On page 6, in lines 4, 8, 20, and 35, strike “**(K)**”, “**(L)**”, “**(M)**”, and “**(N)**”, respectively, and substitute “**(J)**”, “**(K)**”, “**(L)**”, and “**(M)**”, respectively; and strike in their entirety lines 1 through 3, inclusive.

AMENDMENT NO. 4

On page 7, in line 9, strike “**(M)**” and substitute “**(L)**”; strike in their entirety lines 17 through 24, inclusive; in lines 25 and 31, strike “**(Q)**” and “**(R)**”, respectively, and substitute “**(N)**” and “**(O)**”, respectively; in line 26, after “**NUMBER**” insert “**AND, IF AVAILABLE, ACCESS TO A SECURE PORTAL**”; in line 29, strike “**TELEPHONE**”; in the same line, after “**INQUIRIES**” insert “**MADE THROUGH A PHONE NUMBER OR SECURE PORTAL PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION**”; in the same line, strike “**72 HOURS**” and substitute “**3 BUSINESS DAYS**”; and in the same line, strike “**CALL**” and substitute “**INQUIRY**”.

On page 8, in line 4, strike “**(S)**” and substitute “**(P)**”; after line 3, insert:

“(3) ON OR BEFORE OCTOBER 1, 2025, A PHARMACY BENEFITS MANAGER SHALL PROVIDE A MECHANISM FOR SECURE ELECTRONIC COMMUNICATION FOR PHARMACIES AND PHARMACISTS TO COMMUNICATE WITH AND SUBMIT DOCUMENTS TO THE AUDITING ENTITY.”;

after line 10, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That:

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(a) Except as provided in subsection (b) of this section, for an audit of a pharmacy or pharmacist under contract with a pharmacy benefits manager, this Act shall apply only to an audit performed on or after January 1, 2024.

(b) For a pharmacy benefits manager that contracts with the State or a local government, this Act shall apply only to audits that occur on the first day of the first plan year beginning on or after January 1, 2024, or the first time a contract between a pharmacy benefit manager with the State or a local government is amended or renewed on or after January 1, 2024.”;

in line 11, strike “2.” and substitute “3.”; and in line 12, strike “October 1, 2023” and substitute “January 1, 2024”.