

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 SENATE BILL 659

By: Standridge

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5
6 AS INTRODUCED

7 An Act relating to prescription drug coverage;
8 defining terms; requiring certain health benefit
9 plans to authorize certain cost-sharing amount for
10 prescription drugs in certain circumstances;
11 providing terms of certain prorated cost-sharing
12 amounts; prohibiting prorating certain fees;
13 authorizing a pharmacist or pharmacy to override
14 health care plan's denial of certain coverage;
15 instructing pharmacists to provide certain
16 information to patients; providing certain immunity
17 to pharmacists in certain situations; providing for
18 codification; and providing an effective date.

19 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

20 SECTION 1. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 3634.5 of Title 36, unless there
22 is created a duplication in numbering, reads as follows:

23 A. For the purposes of this section:

24 1. "Health benefit plan" means a health benefit plan that
provides benefits for prescription drugs and is delivered, issued
for delivery or renewed on or after January 1, 2018;

2. "Cost-sharing amount" means an amount charged for a
deductible, coinsurance or copayment; and

1 3. "Prescriber" means an individual licensed to prescribe
2 prescription medications in this or another state of the United
3 States.

4 B. A health benefit plan that provides benefits for
5 prescription drugs shall permit and apply a prorated cost-sharing
6 amount charged for a partial supply of a prescription drug if:

7 1. The quantity dispensed is to synchronize the dates that the
8 pharmacy dispenses the covered person's prescription drugs; and

9 2. The prescriber or pharmacist determines the synchronization
10 of the dates is in the best interest of the covered person; and

11 3. The covered person agrees to the synchronization.

12 C. The proration described in subsection B of this section
13 shall be based on the number of days and the supply of the drug
14 actually dispensed.

15 D. A health benefit plan that prorates a cost-sharing amount as
16 required by subsection B of this section shall not prorate the
17 dispensing fee paid to the pharmacy for dispensing the drug for
18 which the cost-sharing amount was prorated.

19 E. A health benefit plan shall allow a pharmacist or pharmacy
20 to override the health benefit plan's denial of coverage and the
21 health benefit plan shall provide coverage for the medication if:

22 1. The prescription for the medication is being dispensed in
23 partial supply for the purpose of synchronizing the covered person's
24 medications; and

1 2. The reason for the denial is that the prescription is being
2 refilled before the date established by the plan's general
3 prescription refill guidelines.

4 SECTION 2. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 3634.6 of Title 36, unless there
6 is created a duplication in numbering, reads as follows:

7 A. Pharmacists shall provide information that notifies the
8 covered person of additional options related to the prescription
9 medication being filled including but not limited to the cost and
10 clinical efficacy of any available alternative medications.

11 B. Failure to comply with this section shall not constitute a
12 violation of any contract or provision of any agreement to which the
13 pharmacist or pharmacy is party.

14 C. There shall be no legal or administrative penalty for
15 failure to comply with the provisions of this section.

16 SECTION 3. This act shall become effective November 1, 2017.

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