

2017 -- H 5482

LC001048

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS - PHARMACIES

Introduced By: Representatives Kazarian, Blazejewski, Fogarty, Bennett, and Slater

Date Introduced: February 15, 2017

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 5-19.1 of the General Laws entitled "Pharmacies" is hereby
2 amended by adding thereto the following section:

3 **5-19.1-13.1. Disputes with health care insurers - Immediate need.**

4 (a) Manufacturers and wholesalers subject to the licensing requirements pursuant to §§5-
5 19.1-12 and 5-19.1-13 shall have the duty of dispensing legend drugs and nonprescription drugs
6 in a timely fashion to persons with health care insurance and a prescription from a doctor or other
7 medical professional authorized to write prescriptions upon which the words "immediate need"
8 are imprinted, despite any dispute the manufacturer or wholesaler may have with any health care
9 insurer over price or any other issue.

10 (b) By dispensing the legend drug or nonprescription drug under subsection (a) of this
11 section, the manufacturer or wholesaler does not waive its rights in any dispute with the health
12 insurer. The manufacturer or wholesaler shall have the right of appeal to the director of the
13 department of health for a hearing, mediation or other proceeding to resolve its dispute to be held
14 within thirty (30) days of the date of receipt of the appeal by the director of the department of
15 health.

16 (c) Failure to comply with the duty imposed by subsection (a) of this section shall be
17 grounds for revocation of the license issued to the wholesaler or manufacturer upon complaint
18 hearing and determination by the director pursuant to the provisions set forth in §5-19.1-21 and
19 the appeal procedure contained in §5-19.1-26.

1 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO BUSINESSES AND PROFESSIONS - PHARMACIES

1 This act would impose a duty upon the manufacturers and wholesalers of legend and
2 nonprescription drugs to timely dispense drugs to persons with health care insurance and a
3 prescription marked "immediate need" despite any dispute with the health care insurer over price
4 or any other issue. By dispensing the drugs, the manufacturer or wholesaler would not waive any
5 right to a hearing to resolve the dispute within thirty (30) days by the department of health.

6 This act would take effect upon passage.

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