

SENATE
STATE OF MINNESOTA
NINETIETH SESSION

S.F. No. 2836

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| DATE | D-PG | OFFICIAL STATUS |
|------------|-------|--|
| 03/01/2018 | 6236 | Introduction and first reading Referred to Health and Human Services Finance and Policy |
| 04/09/2018 | 7240a | Comm report: To pass as amended |
| 05/01/2018 | 7252 | Second reading |
| | 8500 | Special Order |
| | 8500 | Third reading Passed See SF3656, Art. 36, Sec. 6 |

1.1 A bill for an act

1.2 relating to health care; prohibiting a health plan company from contractually

1.3 preventing a pharmacist from informing a patient of a price differential; amending

1.4 Minnesota Statutes 2016, sections 151.214; 151.71, by adding a subdivision.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2016, section 151.214, is amended to read:

1.7 **151.214 PAYMENT DISCLOSURE.**

1.8 Subdivision 1. **Explanation of pharmacy benefits.** A pharmacist licensed under this

1.9 chapter must provide to a patient, for each prescription dispensed where part or all of the

1.10 cost of the prescription is being paid or reimbursed by an employer-sponsored plan or health

1.11 plan company, or its contracted pharmacy benefit manager, the patient's co-payment amount

1.12 ~~and~~, the pharmacy's own usual and customary price of the prescription ~~or~~, and the net amount

1.13 the pharmacy will be paid for the prescription drug receive from all sources for dispensing

1.14 the prescription drug, once the claim has been completed by the patient's employer-sponsored

1.15 plan or health plan company, or its contracted pharmacy benefit manager.

1.16 Subd. 2. **No prohibition on disclosure.** No contracting agreement between an

1.17 employer-sponsored health plan or health plan company, or its contracted pharmacy benefit

1.18 manager, and a resident or nonresident pharmacy ~~registered~~ licensed under this chapter,

1.19 may prohibit ~~the~~:

1.20 (1) a pharmacy from disclosing to patients information a pharmacy is required or given

1.21 the option to provide under subdivision 1; or

1.22 (2) a pharmacist from informing a patient when the amount the patient is required to

1.23 pay under the patient's health plan for a particular drug is greater than the amount the patient

2.1 would be required to pay for the same drug if purchased out-of-pocket at the pharmacy's
2.2 usual and customary price.

2.3 Sec. 2. Minnesota Statutes 2016, section 151.71, is amended by adding a subdivision to
2.4 read:

2.5 Subd. 3. **Synchronization of refills.** (a) For purposes of this subdivision,
2.6 "synchronization" means the coordination of prescription drug refills for a patient taking
2.7 two or more medications for one or more chronic conditions, to allow the patient's
2.8 medications to be refilled on the same schedule for a given period of time.

2.9 (b) A contract between a pharmacy benefit manager and a pharmacy must allow for
2.10 synchronization of prescription drug refills for a patient on at least one occasion per year,
2.11 if the following criteria are met:

2.12 (1) the prescription drugs are covered under the patient's health plan or have been
2.13 approved by a formulary exceptions process;

2.14 (2) the prescription drugs are maintenance medications as defined by the health plan
2.15 and have one or more refills available at the time of synchronization;

2.16 (3) the prescription drugs are not Schedule II, III, or IV controlled substances;

2.17 (4) the patient meets all utilization management criteria relevant to the prescription drug
2.18 at the time of synchronization;

2.19 (5) the prescription drugs are of a formulation that can be safely split into short-fill
2.20 periods to achieve synchronization; and

2.21 (6) the prescription drugs do not have special handling or sourcing needs that require a
2.22 single, designated pharmacy to fill or refill the prescription.

2.23 (c) When necessary to permit synchronization, the pharmacy benefit manager shall apply
2.24 a prorated, daily patient cost-sharing rate to any prescription drug dispensed by a pharmacy
2.25 under this subdivision. The dispensing fee shall not be prorated, and all dispensing fees
2.26 shall be based on the number of prescriptions filled or refilled.