

2015 Regular Session

HOUSE BILL NO. 436

BY REPRESENTATIVE ROBERT JOHNSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

INSURANCE/HEALTH: Provides for insurance reimbursement of certain provider fees paid by pharmacies

1 AN ACT

2 To amend and reenact R.S. 46:2625(A)(2), relative to reimbursement of provider fees  
3 remitted to the Department of Health and Hospitals; to provide that health insurance  
4 issuers reimburse pharmacies or pharmacists for payment of the fee; to provide for  
5 scope of application with respect to the medical assistance program; to provide for  
6 unfair trade practices; to provide for authority of the commissioner of insurance; and  
7 to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 46:2625(A)(2) is hereby amended and reenacted to read as follows:

10 §2625. Fees on health care providers; disposition of fees

11 A.

12 \* \* \*

13 (2)(a) Any fee authorized by and imposed pursuant to this Section shall be  
14 considered an allowable cost for purposes of insurance or other third party  
15 reimbursements and shall be included in the establishment of reimbursement rates.

16 (b) Every contract between a pharmacy or pharmacist or his agent and a  
17 health insurance issuer or its agent shall include provisions requiring the health  
18 insurance issuer or its agent to reimburse the pharmacy or pharmacist or his agent

1        for payment of the fee authorized by Subparagraph (A)(1)(c) of this Section,  
 2        provided that the pharmacy or pharmacist or his agent makes a claim for  
 3        reimbursement of the fee. Reimbursement shall be made not later than the fifteenth  
 4        day after the date on which the claim was electronically adjudicated in the manner  
 5        by which the pharmacy or pharmacist or his agent routinely receives reimbursement  
 6        and accompanied by a remittance advice generated by a health insurance issuer or  
 7        its agent which shall clearly identify the fee for each claim. Any contract that does  
 8        not include such provisions shall nonetheless be interpreted and enforced to comply  
 9        with this Section.

10            (c) In the event any provision of Subparagraph (b) of this Paragraph prevents  
 11            any sums otherwise certifiable by the state as a component of its share of  
 12            expenditures in the medical assistance program from being used in such manner, the  
 13            provision shall be ineffective to the extent it prevents the certification.

14            (d) The failure to reimburse a pharmacist or his agent pursuant to  
 15            Subparagraph (a) of this Paragraph for the fees authorized in Paragraph (A)(1) of this  
 16            Section by any entity licensed by the commissioner of insurance shall be a method,  
 17            act, or practice that is unfair or deceptive under the Unfair Trade Practices Act, R.S.  
 18            22:1961 et seq., subject to the enforcement authority of the commissioner of  
 19            insurance, and otherwise enforceable by appropriate regulatory authorities.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 436 Engrossed                                    2015 Regular Session                                    Robert Johnson

**Abstract:** Requires health insurance issuers to reimburse the pharmacy or pharmacist for payment of the fee when the pharmacy or pharmacist makes a claim for reimbursement of the fee.

Present law authorizes the Dept. of Health and Hospitals to impose a fee of up to 10¢ per prescription for prescription services provided by the Medicaid program.

Proposed law retains present law and requires health insurance issuers to reimburse pharmacies or pharmacists for the payment of the fee when the pharmacy or pharmacist makes a claim for reimbursement of the fee.

Proposed law shall have no effect to the extent that any sums otherwise certifiable by the state as a component of its share of expenditures in the medical assistance program cannot be certified.

Proposed law provides that failure to reimburse a pharmacist or his agent is an unfair or deceptive trade practice subject to the enforcement authority of the commissioner of insurance, and otherwise enforceable by appropriate regulatory authorities.

(Amends R.S. 46:2625(A)(2))

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Make technical changes.
2. Remove the fee increases.
3. Remove the provision regarding the responsibility for payment of the fees to the Dept. of Health and Hospitals.
4. Change the payment procedure from the time and manner required by the La. Insurance Code to not later than the 15th day after the date on which the claim was electronically adjudicated.
5. Add a provision prohibiting the enforcement of proposed law if any part of the state share of funding for the medical assistance program cannot be certified.
6. Add a provision deeming the failure to reimburse the fee to be an unfair or deceptive trade practice subject to the enforcement authority of the commissioner of insurance.