
DIGEST

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HB 433 Engrossed

2019 Regular Session

LeBas

Abstract: Authorizes a pharmacist to decline to dispense a covered drug, device, or service if the coverage provider reimburses the pharmacy in an amount less than the acquisition cost of the covered drug, device, or service.

Proposed law authorizes any pharmacy or pharmacist who has a contract with a pharmacy benefit manager (PBM) administering any type of drug or pharmacy benefit plan to decline to provide a covered drug, device, or service if the pharmacy or pharmacist will be or is paid less than the acquisition cost for the covered drug, device, or service.

Proposed law provides that if the pharmacy or pharmacist declines to provide a drug, device, or service as authorized in proposed law, then the pharmacy or pharmacist shall provide the customer with adequate information as to where the prescription for the drug, device, or service may be filled.

Proposed law prohibits a PBM from canceling a contract with the pharmacy or pharmacist, suing for breach of contract, using the decision to decline as a cause for not renewing the contract, or retaliating against or penalizing the pharmacy or pharmacist in any way.

Proposed law provides that the commission of any act prohibited by proposed law shall be considered an unfair method of competition and unfair practice or act which shall subject the violator to any and all actions provided for in present law known as the Unfair Trade Practices and Consumer Protection Law (R.S. 51:1401 et seq.). Provides that any provision of a contract that is contrary to proposed law shall be null, void, and unenforceable.

Proposed law proposes to enact its provisions in the La. Insurance Code (Title 22 of present law) and in the La. Pharmacy Practice Act (Ch. 14 of Title 37 of present law).

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 22:1860.3; Adds R.S. 37:1219(D)-(F))