

SENATE BILL NO. 99

BY SENATOR FRED MILLS

1 AN ACT

2 To amend and reenact R.S. 37:1256(B) and the introductory paragraph of R.S. 40:2868(A)
3 and to enact R.S. 37:1256(C) and R.S. 40:2868(C), relative to permits issued by the
4 Louisiana Board of Pharmacy; to provide for permits issued to pharmacy benefit
5 managers; to provide for appeals to the division of administrative law; and to provide
6 for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 37:1256(B) is hereby amended and reenacted and R.S. 37:1256(C)
9 is hereby enacted to read as follows:

10 §1256. Louisiana Board of Pharmacy; authority to regulate pharmacy benefit
11 managers

12 * * *

13 B. A pharmacy benefit manager ~~may be but is not required to~~ **shall** be
14 permitted under Part IV of this Chapter if it administers, develops, maintains,
15 performs, or provides one or more pharmacy services in this state or that affects one
16 or more beneficiaries of a pharmacy benefit management plan administered by the
17 pharmacy benefit manager, as set forth in R.S. 40:2868.

18 **C.(1) A pharmacy benefit manager may file for a hearing conducted**
19 **before an independent third-party adjudicator with the division of**
20 **administrative law upon notice from the board that it intends to take adverse**
21 **or disciplinary action against the pharmacy benefit manager that may result in**

1 the suspension or termination of the pharmacy benefit manager's permit. If the
 2 pharmacy benefit manager elects to file for a hearing with the division of
 3 administrative law, the ruling of the administrative law judge shall be
 4 appealable by either the pharmacy benefit manager or the board, whichever
 5 party does not prevail.

6 (2) Nothing in this Subsection shall be construed to prevent the
 7 pharmacy benefit manager from proceeding with a hearing before the board as
 8 provided for in the Administrative Procedure Act, nor shall anything in this
 9 Subsection be construed to prevent the board from taking any other action
 10 provided for by law or rule that would not result in suspension or termination
 11 of the pharmacy benefit manager's permit.

12 Section 2. The introductory paragraph of R.S. 40:2868(A) is hereby amended and
 13 reenacted and R.S. 40:2868(C) is hereby enacted to read as follows:

14 §2868. Pharmacy benefit manager; regulation by Louisiana Board of Pharmacy;
 15 requirements for permitting

16 A. A pharmacy benefit manager ~~may~~ **shall** obtain and maintain a permit
 17 from the Board of Pharmacy if the pharmacy benefit manager administers, develops,
 18 maintains, performs, or provides one or more of the following pharmacy services in
 19 this state or that affects one or more beneficiaries of a pharmacy benefit management
 20 plan administered by the pharmacy benefit manager:

21 * * *

22 C.(1) A pharmacy benefit manager may file for a hearing conducted
 23 before an independent third-party adjudicator with the division of
 24 administrative law upon notice from the board that it intends to take adverse
 25 or disciplinary action against the pharmacy benefit manager that may result in
 26 the suspension or termination of the pharmacy benefit manager's permit. If the
 27 pharmacy benefit manager elects to file for a hearing with the division of
 28 administrative law, the ruling of the administrative law judge shall be
 29 appealable by either the pharmacy benefit manager or the board, whichever
 30 party does not prevail.

1 (2) Nothing in this Subsection shall be construed to prevent the
 2 pharmacy benefit manager from proceeding with a hearing before the board as
 3 provided for in the Administrative Procedure Act, nor shall anything in this
 4 Subsection be construed to prevent the board from taking any other action
 5 provided for by law or rule that would not result in suspension or termination
 6 of the pharmacy benefit manager's permit.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____