

1 amount the pharmacy benefit manager paid to the pharmacist or pharmacy
2 who filled the prescription or provided the pharmacy services.

3 * * *

4 **§1867. Prohibition on spread pricing**

5 A pharmacy benefit manager is prohibited from conducting or
6 participating in spread pricing in this state.

7 * * *"

8 AMENDMENT NO. 8

9 On page 2, line 23, after "1254" delete the remainder of the line and delete line 24 and insert
10 "is"

11 AMENDMENT NO. 9

12 On page 3, line 2, delete "**license**" and insert "**permit**"

13 AMENDMENT NO. 10

14 On page 3, line 9, delete "**licensure**" and insert "**permit**"

15 AMENDMENT NO. 11

16 On page 3, delete lines 16 through 19 and insert the following:

17 **"C. The board has the authority and responsibility to assess fees upon**
18 **any entity practicing pharmacy in this state in accordance with R.S. 37:1184."**

19 AMENDMENT NO. 12

20 On page 3, delete lines 23 through 29, page 4, and on page 5, lines 1 through 13

21 AMENDMENT NO. 13

22 On page 5, delete lines 18 through 29 and on page 6, delete lines 1 through 23

23 AMENDMENT NO. 14

24 On page 6, line 24, delete "**F.**" and after "**It is**" delete "**further**"

25 AMENDMENT NO. 15

26 On page 6, line 25, after "**license**" insert "**, permit, and monitor**"

27 AMENDMENT NO. 16

28 On page 7, delete lines 9 and 10

29 AMENDMENT NO. 17

30 On page 7, line 11, change "**(4)**" to "**(3)**"

31 AMENDMENT NO. 18

32 On page 7, line 12, change "**(5)**" to "**(4)**"

33 AMENDMENT NO. 19

34 On page 7, line 14, change "**(6)**" to "**(5)**"

1 AMENDMENT NO. 20

2 On page 7, line 16, change "(7)" to "(6)"

3 AMENDMENT NO. 21

4 On page 7, line 17, change "(8)" to "(7)"

5 AMENDMENT NO. 22

6 On page 7, line 24, change "(9)" to "(8)"

7 AMENDMENT NO. 23

8 On page 7, line 28, change "(10)" to "(9)"

9 AMENDMENT NO. 24

10 On page 8, line 6, delete "**Fiduciary duty**" and insert "**Duties**"

11 AMENDMENT NO. 25

12 On page 8, line 7, delete "**be a fiduciary to**" and insert "**owe**"

13 AMENDMENT NO. 26

14 On page 8, line 9, after "**and to the**" delete the remainder of the line and delete line 10 and
15 insert "**entities that have entered into a contract with the pharmacy benefit manager the**
16 **duties of**"

17 AMENDMENT NO. 27

18 On page 8, line 11, after "**good faith,**" insert "**honesty,**"

19 AMENDMENT NO. 28

20 On page 8, line 13, delete "**fiduciary**"

21 AMENDMENT NO. 29

22 On page 9, delete lines 19 and 20 and insert "**be licensed as required by the Louisiana**
23 **Insurance Code.**"

24 AMENDMENT NO. 30

25 On page 9, line 27, delete "**licensure and**"

26 AMENDMENT NO. 31

27 On page 9, line 28, delete "**license and**"

28 AMENDMENT NO. 32

29 On page 11, line 21, delete "**licensed or**"

30 AMENDMENT NO. 33

31 On page 11, line 24, delete "**licensure and**"

1 AMENDMENT NO. 34

2 On page 11, line 28, delete "license" and on line 29, delete "and"

3 AMENDMENT NO. 35

4 On page 12, line 7, delete "license and"

5 AMENDMENT NO. 36

6 On page 12, line 11, delete "license or"

7 AMENDMENT NO. 37

8 On page 12, line 13, after "of the" delete the remainder of the line and insert "permit on
9 probation."

10 AMENDMENT NO. 38

11 On page 12, delete lines 16 through 29, page 13, and on page 14, lines 1 through 4 and insert
12 the following:

13 **"§2869. Pharmacy benefit manager monitoring advisory council; membership;**
14 **functions**

15 **A. There is hereby created a pharmacy benefit manager monitoring**
16 **advisory council, hereinafter referred to as "advisory council", that shall consist**
17 **of the following members, each of whom may appoint a designee:**

- 18 **(1) The commissioner of the Louisiana Department of Insurance.**
- 19 **(2) The president of the Louisiana State Board of Medical Examiners.**
- 20 **(3) The president of the Louisiana Board of Pharmacy.**
- 21 **(4) The attorney general.**
- 22 **(5) The director of the Louisiana Department of Justice Consumer**
23 **Affairs Division.**
- 24 **(6) The secretary of the Louisiana Department of Health.**
- 25 **(7) The president of the Louisiana Academy of Physicians Assistants.**
- 26 **(8) The president of the Louisiana State Medical Society.**
- 27 **(9) The president of the Louisiana Association of Nurse Practitioners.**
- 28 **(10) The president of the Louisiana Pharmacists Association.**
- 29 **(11) The president of the Louisiana Independent Pharmacies Association.**
- 30 **(12) The president of the National Association of Chain Drug Stores.**
- 31 **(13) The president of the Pharmaceutical Research and Manufacturers**
32 **of America.**

- 33 **(14) The president of the Louisiana Academy of Medical Psychologists.**
- 34 **(15) The president of the Louisiana Association of Health Plans.**

35 **(16) The president of a pharmacy benefit manager licensed by the**
36 **Louisiana Board of Pharmacy, selected by the Louisiana affiliate of the**
37 **Pharmaceutical Care Management Association from a list of interested and**
38 **qualified individuals.**

39 **B. The members of the advisory council shall serve at the pleasure of**
40 **their respective appointing authorities. Seven members shall constitute a**
41 **quorum for the transaction of all business. The members shall elect a chairman**
42 **and vice chairman whose duties shall be established by the advisory council.**
43 **The member elected to serve as chairman shall fix a time and place for regular**
44 **meetings of the advisory council, which shall meet at least quarterly. The**
45 **advisory council shall establish policies and procedures necessary to carry out**
46 **its duties. Expenses for the administrative staffing of the advisory council shall**
47 **be provided for from the licensing fees paid by pharmacy benefit managers and**
48 **may be transferred between state agencies by memorandum of understanding**
49 **or cooperative endeavor agreement.**

50 **C. The commissioner may utilize the full advisory council or individual**
51 **member agency expertise for the purpose of investigating a complaint against**

1 a pharmacy benefit manager or conducting an audit of a pharmacy benefit
2 manager. In exercising the authority provided for in this Subsection, the same
3 provisions of confidentiality applicable to the Department of Insurance and
4 Louisiana Board of Pharmacy during an investigation shall apply to the
5 advisory council or individual member agencies whose expertise is being
6 utilized. The advisory council may meet in executive session, as necessary, to
7 discuss matters involving an active investigation.

8 D. The advisory council shall provide monitoring of pharmacy benefit
9 managers in Louisiana to advise the legislature, commissioner of insurance, and
10 Louisiana Board of Pharmacy on the most effective and efficient manner of
11 regulation of pharmacy benefit managers to ensure the protection of the public.
12 Any licensed pharmacy benefit manager operating in Louisiana shall provide
13 full cooperation with the advisory council on matters including but not limited
14 to those set forth in Subsection E of this Section.

15 E. The authority of the advisory council shall include but not be limited
16 to matters involving the licensure and regulation of pharmacy benefit managers
17 set forth in Title 22, Title 37, and Title 40 of the Louisiana Revised Statutes of
18 1950, applicable rules, and federal laws or rules relative to pharmacy benefit
19 managers."

20 AMENDMENT NO. 39

21 On page 14, line 11, after "manager" insert ":" and delete the remainder of the line

22 AMENDMENT NO. 40

23 On page 17, delete lines 23 through 29, and on page 18, delete lines 1 through 10

24 AMENDMENT NO. 41

25 On page 18, line 11, change "(15)" to "(14)"

26 AMENDMENT NO. 42

27 On page 18, line 13, change "(16)" to "(15)"

28 AMENDMENT NO. 43

29 On page 18, line 16, change "(17)" to "(16)"

30 AMENDMENT NO. 44

31 On page 18, line 19, change "(18)" to "(17)"

32 AMENDMENT NO. 45

33 On page 18, line 22, change "(19)" to "(18)"

34 AMENDMENT NO. 46

35 On page 18, line 28, change "(20)" to "(19)"

36 AMENDMENT NO. 47

37 On page 19, line 5, change "(21)" to "(20)"

38 AMENDMENT NO. 48

39 On page 19, line 6, after "Insurance" delete the remainder of the line and insert "and a
40 permit in good standing with the Louisiana"

1 AMENDMENT NO. 49

2 On page 19, line 7, after "**Pharmacy**" delete the remainder of the line

3 AMENDMENT NO. 50

4 On page 19, line 24, after "**insurance**" delete "," and insert "**and the Louisiana**" and after
5 "**Pharmacy**" delete the remainder of the line and on line 25, delete "**Medical Examiners,**"

6 AMENDMENT NO. 51

7 On page 20, line 5, at the end of the line, delete ";" and insert "**or**" and on line 6, after "**Act**"
8 insert ";" and delete the remainder of the line

9 AMENDMENT NO. 52

10 On page 22, line 4, after "**insurance**" delete "**, the**" and insert "**and the Louisiana**" and after
11 "**Pharmacy**" insert "." and delete the remainder of the line and delete line 5