

**FOR OFFICE USE ONLY**

---

**HOUSE FLOOR AMENDMENTS**

2026 Regular Session

Amendments proposed by Representative Turner to Engrossed House Bill No. 938 by Representative Turner

---

1 AMENDMENT NO. 1

2 On page 1, at the end of line 2, delete "the"

3 AMENDMENT NO. 2

4 On page 1, delete lines 3 and 4 and insert in lieu thereof "(D)(2)(introductory paragraph),  
5 (3), (4), (6), and (11)(a), to enact R.S. 22:1868.2, and to repeal Section 5 of Act No. 474 of  
6 the"

7 AMENDMENT NO. 3

8 On page 1, delete line 12 in its entirety and insert in lieu thereof the following: "Section 1.  
9 R.S. 22:1863(11), 1868, and 1868.1 are hereby amended and reenacted"

10 AMENDMENT NO. 4

11 On page 3, line 3, change "B." to "~~A~~. B."

12 AMENDMENT NO. 5

13 On page 3, line 8, change "C." to "~~B~~. C."

14 AMENDMENT NO. 6

15 On page 3, delete lines 26 through 29, insert the following:

16 ~~"(1) Adopt a reimbursement formula using either NADAC as the prescription drug~~  
17 ~~pricing benchmark or, with prior written approval by the commissioner, an alternative~~  
18 ~~prescription drug pricing benchmark that results in claim payment errors that are both~~  
19 ~~comparable to or less than NADAC in terms of frequency and smaller than NADAC in terms~~  
20 ~~of magnitude.~~

21 ~~(2)~~ (2) Adopt a reimbursement formula using an adjustment factor that, based on claims  
22 experience data available to the pharmacy benefit manager, is reasonably expected to result  
23 in a claim payment error rate of no more than two percent per drug as identified by its  
24 national drug code.

25 ~~(3)~~ (2) Adopt an appeal process for pharmacists to challenge claim payment errors  
26 that, at a minimum, meets the following requirements:

27 (a) A network or local pharmacy contract executed by and between a pharmacy  
28 benefit manager and a pharmacy located in Louisiana shall, at a minimum, contain a  
29 provision expressly acknowledging that if a Louisiana pharmacy's reimbursement for any  
30 covered drug or device is less than the pharmacy's acquisition cost for that drug or device,  
31 the pharmacy has the right to appeal that reimbursement and, if successful, receive additional  
32 payment so that the total reimbursement is equal to the pharmacy's demonstrated acquisition  
33 cost. The pharmacy benefit manager shall direct the pharmacy to the pharmacy benefit  
34 manager's electronic and written appeal locations.

1 (b) Permit appeals to be filed for a period of fifteen days following the applicable  
2 date of payment.

3 (c) If an appeal is filed with the pharmacy benefit manager, the pharmacy must  
4 include a written invoice from the wholesaler that includes the drug name, national drug  
5 code number, purchase date, and cost of the drug.

6 (d) If a claim payment error occurred, the pharmacy benefit manager shall make an  
7 additional payment to the pharmacy to increase the reimbursement amount to the acquisition  
8 cost.

9 (e) The pharmacy benefit manager shall individually notify all pharmacies using the  
10 same customary supplier or wholesaler that a claim payment error occurred and that the  
11 pharmacy may reverse and resubmit the claim to correct the claim payment error. The  
12 pharmacy benefit manager shall make retroactive price adjustments in the next payment  
13 cycle.

14 (f) If a pharmacy benefit manager determines that a claim payment error did not  
15 occur, it shall provide the pharmacy or pharmacist with an explanation of why it has upheld  
16 the payment, including a specific documentation of the acquisition cost on the date of  
17 service. The explanation shall be provided electronically or in writing through customary  
18 means of communication between the pharmacy benefit manager and the pharmacy or  
19 pharmacist. The explanation shall also include a notice in at least ten-point font stating that,  
20 if the pharmacy or pharmacist disagrees with the decision, the pharmacy or pharmacist may  
21 file a complaint with the Department of Insurance."

22 AMENDMENT NO. 7

23 On page 4, delete lines 1 through 16 in their entirety

24 AMENDMENT NO. 8

25 On page 7, delete lines 6 through 8 in their entirety

26 AMENDMENT NO. 9

27 On page 9, delete line 5 its entirety and insert in lieu thereof the following:

28 "Section 2. R.S. 39:1600.1(D)(1), (2)(introductory paragraph), (3), (4), (6),"

29 AMENDMENT NO. 10

30 On page 9, delete lines 17 and 18 in their entirety

31 AMENDMENT NO. 11

32 On page 9, delete lines 24 through 26 and insert in lieu thereof the following:

33 "(4) The division of administration shall not award a contract for procurement  
34 of the technology platform and technology provider services to a vendor that is a  
35 PBM or a vendor that is managed by or a subsidiary or affiliate of a PBM. In order"

36 AMENDMENT NO. 12

37 On page 10, delete lines 7 through 10 in their entirety and insert in lieu thereof the following:

38 "(6)(a) With technical assistance and support provided by the technology  
39 platform provider, the division of administration shall specify the terms of the  
40 participant bidding agreement which shall not be modified except by specific consent  
41 of the division of administration."