

ACT No. 913

2026 Regular Session

HOUSE BILL NO. 1236 (Substitute for House Bill No. 866 by Representative Dewitt)

BY REPRESENTATIVES DEWITT AND ECHOLS

1 AN ACT

2 To amend and reenact R.S. 22:1868(B)(introductory paragraph), (1), and (4) and (C)(1), (2),
3 and (3)(c) and (d), to enact R.S. 22:1868(B)(5), (D), and (E), and to repeal R.S.
4 22:1868(B)(2), relative to pharmacy benefit managers; to provide for definitions; to
5 provide for pharmacy reimbursements; to prohibit certain reimbursement cost
6 assignments; to provide for certain prohibitions; to provide for an effective date; to
7 provide for retroactive application; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 22:1868(B)(introductory paragraph), (1), and (4) and (C)(1), (2), and
10 (3)(c) and (d) are hereby amended and reenacted and R.S. 22:1868(B)(5), (D), and (E) are
11 hereby enacted to read as follows:

12 §1868. Local pharmacy reimbursement; National Average Drug Acquisition Costs;
13 appeals

14 * * *

15 B. For purposes of this Section, the following definitions shall apply:

16 (1)(a) "Acquisition cost" ~~means the set of National Average Drug~~
17 ~~Acquisition Costs, "NADAC", as calculated by the Centers for Medicare and~~
18 ~~Medicaid Services and reflected in the most recently released public file.~~ means the
19 amount a local pharmacy actually pays to purchase a prescription drug or device, as
20 evidenced by a wholesaler or manufacturer invoice, and shall not be less than the
21 National Average Drug Acquisition Cost or NADAC published by the Centers for
22 Medicare and Medicaid Services on the date the prescription drug is dispensed.

23 (b) For drugs for which no NADAC rate is published, acquisition cost means
24 the local pharmacy's documented invoice cost or, if no invoice is available, the
25 wholesale acquisition cost as published in a nationally recognized drug pricing
26 compendium on the date of dispensing.

1 drug pricing benchmark that results in claim payment errors that are both comparable
2 to or less than NADAC in terms of frequency and smaller than NADAC in terms of
3 magnitude.

4 (2)(a) Adopt a reimbursement formula using ~~an adjustment factor that, based~~
5 ~~on claims experience data available to the pharmacy benefit manager, is reasonably~~
6 ~~expected to result in a claim payment error rate of no more than two percent per drug~~
7 ~~as identified by its national drug code.~~ a professional dispensing fee that is an
8 amount not less than the professional dispensing fee established by the Louisiana
9 Department of Health for the Louisiana Medicaid program.

10 (b) The professional dispensing fee shall reflect the actual costs of the
11 professional services provided by the pharmacists and expenses related to the
12 physical act of dispensing.

13 (3) Adopt an appeal process for pharmacists to challenge claim payment
14 errors that, at a minimum, meets all of the following requirements:

15 * * *

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

19 (d) If a claim payment error occurred, the pharmacy benefit manager shall
20 make an additional payment to the pharmacy to increase the reimbursement amount
21 to the acquisition cost. The pharmacy benefit manager is prohibited from amending
22 or changing the amount a prescription drug consumer must pay for an out-of-pocket
23 cost share or expense.

24 * * *

25 D. The reimbursement formula adopted by a pharmacy benefit manager
26 pursuant to this Section shall include the professional dispensing fee required by this
27 Section as a non-recoverable cost. The pharmacy benefit manager shall not collect,
28 recoup, or recover the professional dispensing fee from any pharmacy, pharmacist,
29 or member.

1 E. The commissioner may require submission of claims-level data, including
2 but not limited to reimbursement amounts, dispensing fees, and any adjustments for
3 the purpose of verifying compliance with this Section.

4 Section 2. R.S. 22:1868(B)(2) is hereby repealed in its entirety.

5 Section 3. The provisions of this Act shall be given prospective and retroactive
6 application. The provisions of Subsection D shall be applied retroactively to January 1, 2026.
7 A pharmacy benefit manager shall be deemed compliant with this retroactive application
8 upon demonstration that it has adopted and reprocessed all applicable claims retroactively
9 to January 1, 2026, using a reimbursement formula which includes the prescription drug
10 pricing benchmark described in R.S. 22:1868(C)(1) as amended herein plus a professional
11 dispensing fee that is an amount no less than nine dollars. The reimbursement formula shall
12 also apply prospectively and the deemed compliance applicable to the retroactive application
13 shall not be construed to apply to the prospective application of this Act. All other
14 provisions of this Act shall apply prospectively only.

15 Section 4. This Act shall become effective upon signature by the governor or, if not
16 signed by the governor, upon expiration of the time for bills to become law without signature
17 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
18 vetoed by the governor and subsequently approved by the legislature, this Act shall become
19 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____