

SENATE BILL NO. 83

BY SENATOR FRED MILLS

1 AN ACT

2 To enact R.S. 46:460.37, relative to Medicaid pharmacy reimbursement; to provide for the
3 Council on Medicaid Pharmacy Reimbursement; to provide for council membership;
4 to provide for meetings; to provide for the duties and powers of the council; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 46:460.37 is hereby enacted to read as follows:

8 **§460.37. Council on Medicaid Pharmacy Reimbursement; creation;**
9 **composition, purpose, and duties of the council**

10 **A. There is hereby created within the Louisiana Department of Health,**
11 **the Council on Medicaid Pharmacy Reimbursement referred to in this Section**
12 **as the "council".**

13 **B. The council shall be composed of the following members:**

14 **(1) The Medicaid director of the Louisiana Department of Health or his**
15 **designee.**

16 **(2) The president of the Louisiana Pharmacists Association or his**
17 **designee.**

18 **(3) The president of the Louisiana Independent Pharmacies Association**
19 **or his designee.**

20 **(4) A representative of the Louisiana Alliance of Retail Pharmacies**

1 appointed by the executive director of the Louisiana Retailers Association.

2 (5) The president of the National Association of Chain Drug Stores or
3 his designee.

4 (6) One pharmacist appointed by the chairman of the Senate Committee
5 on Health and Welfare.

6 (7) One physician appointed by the chairman of the Senate Committee
7 on Health and Welfare.

8 (8) One pharmacist appointed by the chairman of the House Committee
9 on Health and Welfare.

10 (9) One physician appointed by the chairman of the House Committee
11 on Health and Welfare.

12 (10) Two licensed pharmacists appointed by the Louisiana Board of
13 Pharmacy who are not currently serving on the board. The board shall strive
14 to ensure its appointments demonstrate race, gender, ethnic, and geographical
15 diversity.

16 C.(1)(a) Members of the council provided for in Paragraphs (B)(1)
17 through (B)(5) of this Section shall serve a term concurrent with their tenure in
18 the qualifying office. Appointed members of the council provided for in
19 Paragraphs (B)(6) through (B)(10) of this Section shall serve at the pleasure of
20 the appointing authority. Designees of members shall serve at the pleasure of
21 the designating member not to exceed the term of the designating member.

22 (b) Appointed members of the council provided for in Paragraphs (B)(6)
23 through (B)(10) of this Section shall be licensed and in good standing with their
24 respective licensing board, actively engaged in their profession, and
25 participating in the Medicaid program.

26 (2) Six members shall constitute a quorum for the transaction of all
27 business. The members shall elect a chairperson and vice chair whose duties
28 shall be established by the council. The member elected to serve as chairperson
29 shall fix a time and place for regular meetings of the council, which shall meet
30 at least quarterly. The council shall establish policies and procedures necessary

1 to carry out its duties.

2 (3) Members of the council shall serve without compensation.

3 (4) The secretary shall designate the appropriate staff to provide
4 support to the council and supply data regarding Medicaid pharmacy claims to
5 inform the work of the council. All information provided to the council shall be
6 either redacted or reported in the aggregate to protect the confidentiality of the
7 information or to protect a person's reasonable right to privacy.

8 D.(1) The council shall perform all of the following tasks:

9 (a) Review Medicaid pharmacy reimbursement data and trends and
10 establish a process by which pharmacists can provide information showing that
11 current reimbursement does not cover the reasonable and appropriate cost for
12 a specific pharmaceutical.

13 (b) Provide a platform for pharmacists to submit ideas and express
14 concerns and a venue for public testimony on Medicaid reimbursements.

15 (c) Make recommendations to the secretary regarding needed changes
16 to Medicaid pharmacy reimbursement policies and procedures, including but
17 not limited to enhanced reimbursements for specific pharmaceuticals upon a
18 showing that the current reimbursement does not cover the reasonable and
19 appropriate costs and inhibits patient access to prescribed, medically necessary
20 pharmaceuticals.

21 (d) Advise the secretary on alleged violations committed by Medicaid
22 managed care organizations, pharmacy benefit managers, or any other entity
23 that provides any service related to prescription drug administration or
24 benefits.

25 (e) Make annual recommendations to the secretary regarding the
26 implementation and administration of a Medicaid medication therapy
27 management program pursuant to R.S. 46:153.3.1.

28 (f) Any other task related to the Medicaid pharmacy program, including
29 but not limited to Medicaid prescription drug administration, drug rebates, and
30 reimbursement.

1 (2) In carrying out the duties provided for in Paragraph (1) of this
2 Subsection, the council may consult with health benefit plan issuers, Medicaid
3 managed care organizations, pharmacy benefit managers, wholesale drug
4 distributors, and other interested stakeholders.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____