

JAN 27 2010

S.B. NO. 2900

A BILL FOR AN ACT

RELATING TO EMPLOYER-UNION HEALTH BENEFITS TRUST FUND.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 87A, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§87A- Pharmacy benefit managers; pricing; disclosure
5 requirement; opt out option. (a) Pharmacy benefit managers
6 shall use equal payment bases and disclose amounts paid to
7 pharmacies for prescriptions sold through mail order and sold at
8 retail in order to avoid unfair favoritism toward mail order
9 prescriptions.

10 (b) Pharmacy benefit managers shall not engage in spread
11 pricing.

12 (c) Pharmacy benefit managers shall identify and pass
13 along, in the form of lower premiums or copayments, any cost
14 savings it negotiates with a manufacturer, including rebates.

15 (d) A health benefits plan shall provide all patients with
16 an explanation of benefits statement.



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1 (e) Individual beneficiaries enrolled in a Hawaii
2 employer-union health benefits trust fund health benefits plan
3 shall be allowed to elect to opt out of a plan requirement that
4 prescriptions be purchased by mail order, in which case
5 prescriptions may be purchased from a retail pharmacy.

6 (f) For purposes of this section, "spread pricing" means
7 moneys gained by the pharmacy benefit manager through continual
8 negotiation of lower rates with a pharmacy network that are not
9 passed on to the health plan or employer in the form of lower
10 premiums or copayments."

11 SECTION 2. New statutory material is underscored.

12 SECTION 3. This Act shall take effect on July 1, 2010.

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INTRODUCED BY:

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Report Title:

EUTF; Mail Order Prescriptions; Spread Pricing

Description:

Allows individual beneficiaries enrolled in a Hawaii employer-union health benefits trust fund health benefits plan to opt out of any requirement to purchase prescriptions by mail order. Prohibits spread pricing and requires pharmacy benefit manager to pass on cost savings incurred through rebates to the health benefits plan or employer.

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