

NATIONAL COMMUNITY PHARMACISTS ASSOCIATION

2021 State Legislation Influenced by *Rutledge v. PCMA*

August 2021

Alabama SB 227

Prohibits a PBM from reimbursing its affiliated pharmacies at higher rates than non-affiliated pharmacies.

Arizona SB 1356

Prohibits a PBM from holding a pharmacy responsible for a fee for any step, component, or mechanism related to the claims adjudication process.

Arkansas HB 1804

Makes changes to align existing law with the *Rutledge v. PCMA* decision, thereby granting the Insurance Department enforcement authority over existing fair pharmacy audit laws.

Maine LD 686

Requires PBMs and other drug supply chain entities to disclose certain drug pricing information to the state.

Maryland HB 601

Removes provisions exempting ERISA plans from regulations addressing the provision of pharmacy benefits, thereby increasing the number of patients protected by those regulations.

New Mexico SB 124

Requires a health plan to reimburse a pharmacy within 14 days of receiving the claim.

North Dakota HB 1492

Prohibits a PBM from holding a pharmacy responsible for a fee for any step, component, or mechanism related to the claims adjudication processing network.

Oklahoma HB 2677

Strengthens existing fair pharmacy audit protections by limiting audit periods and allowing a pharmacy to reverse and rebill

discrepant claims; strengthens existing MAC list appeal procedures by allowing a PSAO to file an appeal on a pharmacy's behalf and requiring a PBM to adjust a MAC price if a drug is not available from wholesalers at the original price; permits a pharmacy to refuse to dispense a prescription if the reimbursement would be lower than the pharmacy's cost of acquiring the drug.

Tennessee HB 1398

Requires PBM reimbursement rates to reflect a pharmacy's actual acquisition costs.

Texas HB 1763

Prohibits a PBM from retroactively reducing claim amounts through effective rates, quality assurance programs, or other means; prohibits a PBM from reimbursing its affiliated pharmacies at higher rates than non-affiliated pharmacies.

West Virginia HB 2263

Requires a PBM to reimburse a claim in an amount that is not less than the drug's National Average Drug Acquisition Cost (NADAC) plus a professional dispensing fee of \$10.49; prohibits PBMs from charging a pharmacy a retroactive fee or from deriving revenue from a pharmacy or an insured; prohibits a PBM from reimbursing non-affiliated pharmacies at lower rates than it reimburses its affiliated pharmacies; removes a provision exempting PBMs serving ERISA plans from existing regulations.