

ENGROSSED HOUSE AMENDMENT
TO
ENGROSSED SENATE BILL NO. 445

By: Campbell and Monson of
the Senate

and

Worthen of the House

An Act relating to group health insurance; amending
Section 3, Chapter 304, O.S.L. 1992, as amended by
Section 1, Chapter 76, O.S.L. 1993 (36 O.S. Supp.
1994, Section 4509.2), which relates to portability
of insurance coverage; * * * conforming and
clarifying language; and providing an effective
date.

AMENDMENT NO. 1. Page 2, line 12 1/2, insert a new Section 2 to
read

"SECTION 2. AMENDATORY Section 3, Chapter 141, O.S.L.
1994 (36 O.S. Supp. 1994, Section 3634.3), is amended to read as
follows:

Section 3634.3 A. A health insurance plan or policy or health
maintenance organization ~~providing prescription drugs as a covered
benefit shall provide a pharmacy or group of pharmacies with the
right to bid on a periodic basis, but not less than every three (3)
years, on any pharmacy contract to provide pharmacy services,
including, but not limited to, prescription drugs shall not:~~

1. Prohibit or limit in the State of Oklahoma any person who is
a participant or beneficiary of the policy or plan from selecting a

pharmacy or pharmacist of his choice who has agreed to participate in the plan according to the terms offered by the insurer; or

2. Deny a pharmacy or pharmacist the right to participate as a contract provider under the policy or plan if the pharmacy or pharmacist agrees to provide pharmacy services, including but not limited to prescription drugs, that meet the terms and requirements set forth by the insurer under the policy or plan and agrees to the terms of reimbursement set forth by the insurer.

~~B. Nothing in this act shall be interpreted to preclude a health insurance plan or policy or health maintenance organization from establishing an open pharmacy network for the provision of pharmacy services, including, but not limited to, prescription drugs~~
Since a co-payment is implemented by an insurer to discourage over-utilization of a covered service by the insured, it constitutes unprofessional conduct for a pharmacy or pharmacist to waive, discount, rebate or in any way distort the designated co-payment of any insurer plan or patient's co-insurance portion of a prescription medication coverage plan.

~~C. The provisions of this section shall not apply to a health insurance plan or policy or health maintenance organization that maintains an open pharmacy network~~ No insurer may impose upon a beneficiary any co-payment, fee or condition that is not equally imposed upon all beneficiaries in the plan."

and renumber subsequent section

and page 1, in the title, line 12 1/2, after the the word "language;" and before the word "and" insert

"amending Section 3, Chapter 141, O.S.L. 1994 (36 O.S. Supp. 1994, Section 3634.3), which relates to prescription drug coverage; specifying certain prohibitions or limitations of selections of pharmacies or pharmacists and denying certain participation by providers; making certain action professional misconduct; requiring certain fee or payment equality;"

Passed the House of Representatives the 12th day of April, 1995.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1995.

President of the Senate