

1 ENGROSSED HOUSE
2 BILL NO. 4052

By: Marti and Davis of the
House

3 and

4 Garvin of the Senate

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7 [pharmacies - creating certain requirements]
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10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

11 SECTION 1. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 6969 of Title 36, unless there
13 is created a duplication in numbering, reads as follows:

14 A. As used in this section:

15 1. "Pharmacy benefit managers" means individuals or companies
16 that manage prescription drug benefits on behalf of health insurers,
17 Medicare Part D drug plans, large employer plans, and other payers;
18 and

19 2. "White bagged drugs" means the distribution of
20 patient-specific medication from a pharmacy, typically a specialty
21 pharmacy, to the physician's office, hospital, or clinic for
22 administration.

23 B. All pharmaceutical drug plans and pharmacy benefit managers
24 in this state shall not refuse to authorize, approve, or pay a

1 participating provider for providing covered physician-administered
2 drugs to covered persons.

3 C. All white bagged drugs shall meet supply chain security
4 controls set forth by the federal Drug Supply Chain and Security
5 Act.

6 D. Plan providers shall not require a patient to self-
7 administer an injectable drug against a provider's recommendation.

8 E. Plans shall not require patients to pay additional fees
9 beyond cost-sharing obligations as outlined in the individual's
10 plan.

11 F. Patients and providers shall determine a billing pathway
12 based on patient's best interest.

13 G. Any payer in violation of this section shall be fined a
14 minimum of Five Thousand Dollars (\$5,000.00) per violation, but not
15 more than Ten Thousand Dollars (\$10,000.00) per violation. Fines
16 related to this section shall not be used when calculating payers,
17 plans, or members loss ratios and losses shall not be passed on to
18 the consumer in future rate increases.

19 H. A health care facility or health care provider shall be
20 immune from civil liability for any loss or harm to a person due to
21 their health insurance plan utilizing white bagged drugs caused by
22 an act or omission by the facility or provider that occurs during
23 the process outlined in this act if the act or omission was not the
24 result of gross negligence or willful or wanton misconduct of the

1 health care facility of health care provider rendering the health
2 care services.

3 Passed the House of Representatives the 22nd day of March, 2022.

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Presiding Officer of the House
of Representatives

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Passed the Senate the ____ day of _____, 2022.

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Presiding Officer of the Senate

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