

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 HOUSE BILL 4052

By: Marti

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5
6 AS INTRODUCED

7 An Act relating to pharmacies; defining terms;
8 creating certain requirements; creating a penalty;
9 providing for codification; and providing an
10 effective date.

11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

15 A. As used in this section:

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

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

1 B. All pharmaceutical drug plans and pharmacy benefit managers
2 in this state shall not refuse to authorize, approve, or pay a
3 participating provider for providing covered physician-administered
4 drugs to covered persons.

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

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

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

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

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

21 SECTION 2. This act shall become effective November 1, 2022.

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