

BILL SUMMARY
1st Session of the 58th Legislature

Bill No.:	SB737
Version:	FA1
Request Number:	8142
Author:	McEntire
Date:	4/13/2021
Impact:	No impact

Research Analysis

The floor amendment (FA1) to SB 737 adds the definitions of “provider” and “spread pricing” to the bill. FA1 also adds to the list of restrictions for a pharmacy benefits manager (PBM) or an agent of a PBM by prohibiting a PBM from conducting spread pricing. FA1 requires a PBM to maintain documentation relating to any denial of a pharmacy to join a network for a period of 5 years.

FA1 modifies the timeframe of a required response from a PBM to an inquiry from the Insurance Commissioner from 30 days to 20 days from the date the inquiry is sent.

The floor amendment authorizes the Insurance Commissioner to censure, suspend, revoke or refuse to renew a license of or levy a civil penalty against any person licensed under the insurance laws of this state for any violation of the Patient’s Right to Pharmacy Choice Act. Additionally, after notice and opportunity for a hearing, a PBM may be subject to a civil fine of not less than \$100.00 and not greater than \$10,000.00 for each violation. The Commissioner is authorized to enforce the provisions of the Patient’s Right to Pharmacy Choice Act and impose any penalty or remedy authorized under this act against a PBM under investigation for or charged with a violation.

FA1 authorizes a PBM the right to appeal from the final order of the Commissioner pursuant to Oklahoma law. Lastly, FA1 authorizes the Commissioner to require reports from PBMs that have engaged in violations of the Patient’s Right to Pharmacy Choice Act at periodic intervals which the Commissioner deems necessary.

KEY DIFFERENCES BETWEEN FLOOR VERSION AND FLOOR SUBSTITUTE:

The previous Section 4 was removed from the bill and subsection D was added to Section 2. The floor substitute also restores the title and enacting clause.

Prepared By: Dan Brooks

Fiscal Analysis

No impact.

Prepared By: Stacy Johnson

Other Considerations

None.

