

BILL SUMMARY
1st Session of the 59th Legislature

| | |
|------------------------|----------------------|
| Bill No.: | HB 3368 |
| Version: | Introduced |
| Request Number: | 9187 |
| Author: | Rep. McEntire |
| Date: | 2/12/2024 |
| Impact: | \$0 |

Research Analysis

House Bill 3368, as introduced, establishes the "Patients Pay Less Act." The measure applies annual cost-sharing limitations to all healthcare services covered by insurers, including those administered by pharmacy benefits managers. The measure prohibits influencing health plan terms based on prescription drug assistance information. Pharmacy benefits managers must annually certify compliance. Rulemaking authority is granted to the Insurance Department.

Prepared By: Matthew Brenchley

Fiscal Analysis

HB 3368 creates the Patients Pay Less Act that mandates the Insurance Department to oversee and regulate all health plans offered or issued by a health insurer in the state, including health plans administered by a pharmacy benefits manager. This measure prevents pharmacy benefit managers from determining cost-sharing limits and benefit plans using information about financial or product supply.

In addition, HB 3368 adds definitions under the Patient's Right to Pharmacy Choice Act and modifies the definition for "pharmacy benefit manager" to include a person performing pharmacy benefits management either directly or through an intermediary.

Officials from the Oklahoma Office of Management and Enterprise Services Employees Group Insurance Division (OMES-EGID) confirmed the passing of this measure will not have a fiscal impact to EGID's Health Choice Employee health benefit program, as provided below.

"Fiscal impact to benefit: No level of fiscal impact to the plan.

Per the bill, there is language requiring insurer out of pocket limits do not exceed Federal limits. PBMs are also not able to adjust these limits with programs.

- 1. Today, Health Choice limits are below Federal amounts;**
- 2. Current law prevents PBMs/Insurers from increasing these amounts by limiting the dollars from support or coupons that apply to the out-of-pocket limits."**

Lastly, the Insurance Department is a non-appropriated state agency, therefore, any related costs to regulate are assumed to be objective within the Departments existing resources. As a result this measure has no direct impact on the state budget or appropriations.

Prepared By: Alexandra Ladner, House Fiscal Staff

Other Considerations

None.

© 2021 Oklahoma House of Representatives, see Copyright Notice at www.okhouse.gov