

BILL SUMMARY
2nd Session of the 59th Legislature

Bill No.:	HB 3376
Version:	FULLPCS1
Request Number:	10042
Author:	Rep. McEntire
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Impact:	\$0

Research Analysis

Pending

Prepared By: House Research Staff

Fiscal Analysis

HB 3376 modifies the definition of pharmacy benefits manager (PBM), as used in the Patient's Right to Pharmacy Choice Act, to include a person or entity acting on behalf of a PBM. The Attorney General (AG) is granted power to enforce the provisions of the Act, eliminating authority by the Patients Right to Pharmacy Choice Commission. The AG is able to obtain detailed data from a PBM concerning the details submitted in quarterly reports, including protected health information for the purpose of conducting investigation. If a PBM fails to cooperate with an investigation or proven to violate the provisions of the Patient's Right to Pharmacy Choice Act, the AG may direct the Insurance Commissioner to suspend or revoke a PBM's license, impose a civil fine ranging from One Thousand Dollars (\$1,000) to Ten Thousand Dollars (\$10,000) per violation, or both.

This measure establishes the Attorney General's Pharmacy Benefits Manager Enforcement Revolving Fund. All fines, penalties, and restitutions collected by the AG due to violations of the Patient's Right to Pharmacy Choice Act are to be deposited into the Fund. Costs of investigation, litigation, and attorney fees are to be retained by the Office of the Attorney General and the remaining funds are to be distributed to injured parties. As a result, this measure is anticipated to have a fiscally neutral impact on the state budget and appropriations.

Prepared By: Alexandra Ladner, House Fiscal Staff

Other Considerations

None.