

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

HOUSE BILL 1598

By: Martinez

AS INTRODUCED

An Act relating to insurance; amending 36 O.S. 2021, Section 6961, which relates to retail pharmacy network access standards; removing the State standards for network access; adding the Federal standards for network access; and providing an effective date.

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

SECTION 1. AMENDATORY 36 O.S. 2021, Section 6961, is amended to read as follows:

Section 6961. A. ~~Pharmacy benefits managers (PBMs) shall comply with the following retail pharmacy network access standards:~~

~~1. At least ninety percent (90%) of covered individuals residing in an urban service area live within two (2) miles of a retail pharmacy participating in the PBM's retail pharmacy network;~~

~~2. At least ninety percent (90%) of covered individuals residing in an urban service area live within five (5) miles of a retail pharmacy designated as a preferred participating pharmacy in the PBM's retail pharmacy network;~~

1 ~~3. At least ninety percent (90%) of covered individuals~~
2 ~~residing in a suburban service area live within five (5) miles of a~~
3 ~~retail pharmacy participating in the PBM's retail pharmacy network;~~

4 ~~4. At least ninety percent (90%) of covered individuals~~
5 ~~residing in a suburban service area live within seven (7) miles of a~~
6 ~~retail pharmacy designated as a preferred participating pharmacy in~~
7 ~~the PBM's retail pharmacy network;~~

8 ~~5. At least seventy percent (70%) of covered individuals~~
9 ~~residing in a rural service area live within fifteen (15) miles of a~~
10 ~~retail pharmacy participating in the PBM's retail pharmacy network;~~

11 and

12 ~~6. At least seventy percent (70%) of covered individuals~~
13 ~~residing in a rural service area live within eighteen (18) miles of~~
14 ~~a retail pharmacy designated as a preferred participating pharmacy~~
15 ~~in the PBM's retail pharmacy network. For all retail pharmacy~~

16 networks managed by pharmacy benefits managers (PBMs) in the State
17 of Oklahoma, each PBM shall comply with the pharmacy network access
18 standards set forth under Federal law at 42 CFR 423.120(a)(1)
19 (Standards for convenient access to network pharmacies) as the same
20 may be amended from time to time.

21 B. Mail-order pharmacies shall not be used to meet access
22 standards for retail pharmacy networks.

23 C. Pharmacy benefits managers shall not require patients to use
24 pharmacies that are directly or indirectly owned by the pharmacy

1 benefits manager, including all regular prescriptions, refills or
2 specialty drugs regardless of day supply.

3 D. Pharmacy benefits managers shall not in any manner on any
4 material, including but not limited to mail and ID cards, include
5 the name of any pharmacy, hospital or other providers unless it
6 specifically lists all pharmacies, hospitals and providers
7 participating in the preferred and nonpreferred pharmacy and health
8 networks.

9 SECTION 2. This act shall become effective November 1, 2023.

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