

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

January 29, 2020

Committee on Health & Insurance.

After consideration on the merits, the Committee recommends the following:

HB20-1078 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 2, line 5, strike "**and dispensing fees**".
- 2 Page 2, line 6, strike "(a)".
- 3 Page 2, strike lines 7 through 23 and substitute "FIRM SHALL NOT
4 REIMBURSE A PHARMACY IN AN AMOUNT LESS THAN THE AMOUNT THAT
5 THE PHARMACY BENEFIT MANAGEMENT FIRM REIMBURSES ANY AFFILIATE
6 FOR THE SAME PHARMACY SERVICES FOR A CLEAN CLAIM.
7 (2) (a) A CONTRACT OR AGREEMENT, INCLUDING A
8 PERFORMANCE-BASED OR VALUE-BASED CONTRACT OR AGREEMENT,
9 BETWEEN A PHARMACY".
- 10 Page 3, line 1, after "PHARMACY" insert "OR A PHARMACY SERVICES
11 ADMINISTRATIVE ORGANIZATION".
- 12 Page 3, strike lines 7 and 8 and substitute "THE CLAIM AFTER THE POINT
13 OF SALE; EXCEPT THAT,".
- 14 Page 3, strike line 18 and substitute "PHARMACY OR MAKING
15 ADJUSTMENTS TO CLAIMS IN ACCORDANCE WITH SECTION 10-16-704
16 (4.5)".
- 17 Page 3, line 19, strike "(a)".

- 1 Page 3, strike line 27 and substitute:
- 2 "(4) THE DIVISION MAY PROMULGATE RULES TO ESTABLISH THE
- 3 MANNER IN WHICH CARRIERS AND PHARMACY BENEFIT MANAGEMENT
- 4 FIRMS ARE REQUIRED TO SHOW COMPLIANCE WITH THIS SECTION."

- 5 Page 4, strike lines 1 through 5.

- 6 Renumber succeeding subsections accordingly.

- 7 Page 4, line 7, after "PHARMACIES" insert "OR PHARMACY SERVICES
- 8 ADMINISTRATIVE ORGANIZATIONS".

- 9 Page 4, line 18, after "CLAIM." add ""CLEAN CLAIM" DOES NOT INCLUDE
- 10 A CLAIM BASED ON FRAUD, WASTE, OR ABUSE."

- 11 Page 4, strike line 27.

- 12 Page 5, strike lines 1 through 9.

- 13 Renumber succeeding section accordingly.

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