

HB1009_L.002

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health, Insurance, & Environment.HB18-1009 be amended as follows:

- 1 Amend printed bill, page 2, line 12, strike "AS" and substitute "WITH".
- 2 Page 2, line 13, strike "DIABETIC" and substitute "DIABETES".
- 3 Page 3, before line 11 insert:
 - 4
 - 5 "(3) "HEALTH COVERAGE PLAN" HAS THE SAME MEANING AS SET
 - 6 FORTH IN SECTION 10-16-102 (34).
 - 7 (4) "INSURER" HAS THE SAME MEANING AS SET FORTH IN SECTION
 - 8 10-1-102 (13)."
- 9 Renumber succeeding subsections accordingly.
- 10 Page 4, line 25, strike "(1)(b)." and substitute "(1)(a).".
- 11 Page 5, line 3, strike "(1)(b)" and substitute "(1)(a)".
- 12 Page 5, line 8, strike "MARKETING AND ADVERTISING COSTS;" and insert
- 13 "EXPENDITURES TO MARKET OR ADVERTIZE THE DRUG TO COLORADO
- 14 RESIDENTS;".
- 15 Page 6, line 6, after "REBATES" insert "AND, SEPARATELY, THE
- 16 AGGREGATE AMOUNT OF ALL ADMINISTRATIVE FEES".
- 17 Page 6, line 8, strike "STATE; AND" and substitute "STATE, IDENTIFIED BY
- 18 YEAR;".
- 19 Page 6, before line 9 insert:
 - 20 "(j) THE AGGREGATE AMOUNT OF ALL RESEARCH AND
 - 21 DEVELOPMENT COSTS ATTRIBUTABLE TO DIABETES PRESCRIPTION DRUGS,
 - 22 IDENTIFIED BY YEAR; AND".
- 23 Reletter succeeding paragraph accordingly.
- 24 Page 6, line 11, strike "(1)(b)." and substitute "(1)(a).".
- 25 Page 6, line 21, strike "NEGOTIATED WITH" and substitute "RECEIVED
- 26 FROM".
- 27 Page 6, line 24, strike "(1)(b);" and substitute "(1)(a);".

1 Page 6, line 27, strike "AND".

2 Page 7, before line 1 insert:

3 (c) THE TOTAL AMOUNT OF ADMINISTRATIVE FEES RECEIVED
4 FROM DRUG MANUFACTURERS AND INSURERS FOR PRESCRIPTION DRUGS
5 LISTED IN SECTION 25-51-104 (1)(a), INCLUDING ALL FEES RECEIVED TO
6 PROCESS UTILIZATION MANAGEMENT REQUESTS;"

7 Reletter succeeding paragraph accordingly.

8 Page 7, line 4, strike "MEDICARE" and substitute "COLORADO MEDICARE".

9 Page 7, line 6, strike "MEDICAID" and substitute "COLORADO MEDICAID".

10 Page 7, line 11, strike "PERSONS" and substitute "COLORADO RESIDENTS".

11 Page 7, line 12, strike "SECTION." and substitute "SECTION;"

12 Page 7, before line 13 insert:

13 (e) THE TOTAL ANNUAL PAYMENTS, INCLUDING REIMBURSEMENTS
14 AND FEES, PAID TO COLORADO PHARMACIES FOR DISPENSING
15 PRESCRIPTION DRUGS ON THE LIST COMPILED IN ACCORDANCE WITH
16 SECTION 25-51-104 (1)(a). THIS INFORMATION MUST SEPARATELY
17 IDENTIFY:

18 (I) THE AMOUNT ATTRIBUTABLE TO DISPENSING FEES; AND

19 (II) THE AMOUNT ATTRIBUTABLE TO SERVICE OR ADMINISTRATIVE
20 FEES;

21 (f) THE TOTAL ANNUAL PAYMENTS RECEIVED FROM COLORADO
22 PHARMACIES FOR PRESCRIPTION DRUGS ON THE LIST COMPILED IN
23 ACCORDANCE WITH SECTION 25-51-104 (1)(a); AND

24 (g) THE TOTAL ANNUAL PAYMENTS RECEIVED FROM COLORADO
25 INSURERS AND EMPLOYERS FOR PRESCRIPTION DRUGS ON THE LIST
26 COMPILED IN ACCORDANCE WITH SECTION 25-51-104 (1)(a).

27 **25-51-107. Insurer pricing reports.** (1) INSURERS ISSUING
28 HEALTH COVERAGE PLANS TO COLORADO RESIDENTS SHALL ANNUALLY
29 REPORT TO THE STATE BOARD THE FOLLOWING:

30 (a) THE PERCENTAGE OF TOTAL PREMIUMS CHARGED TO
31 COLORADO RESIDENTS IN THE PRIOR CALENDAR YEAR THAT ARE DIRECTLY
32 ATTRIBUTABLE TO THE COST OF COVERED PRESCRIPTION DRUGS ON THE
33 LIST COMPILED IN ACCORDANCE WITH SECTION 25-51-104 (1)(a);

1 (b) THE ESTIMATED PERCENTAGE OF TOTAL PREMIUMS TO BE
2 CHARGED TO COLORADO RESIDENTS FOR THE NEXT CALENDAR YEAR
3 DIRECTLY ATTRIBUTABLE TO THE COST OF COVERED PRESCRIPTION DRUGS
4 ON THE LIST COMPILED IN ACCORDANCE WITH SECTION 25-51-104 (1)(a);

5 (c) THE ANNUAL PERCENTAGE INCREASE OR DECREASE IN TOTAL
6 COSTS FROM THE PRIOR CALENDAR YEAR PAID BY THE INSURER FOR
7 PRESCRIPTION DRUGS ON THE LIST COMPILED IN ACCORDANCE WITH
8 SECTION 25-51-104 (1)(a);

9 (d) THE AVERAGE MONTHLY COST PER ENROLLEE FOR THE PRIOR
10 CALENDAR YEAR INCURRED BY THE INSURER FOR PRESCRIPTION DRUGS ON
11 THE LIST COMPILED IN ACCORDANCE WITH SECTION 25-51-104 (1)(a)
12 DIVIDED BY THE NUMBER OF PERSONS ENROLLED IN THE HEALTH
13 COVERAGE PLAN;

14 (e) THE AVERAGE ANNUAL COST FOR THE PRIOR CALENDAR YEAR
15 TO AN ENROLLEE IN A HEALTH COVERAGE PLAN FOR PRESCRIPTION DRUGS
16 ON THE LIST COMPILED IN ACCORDANCE WITH SECTION 25-51-104 (1)(a).

17 (f) A STATEMENT DESCRIBING THE INSURER'S USE OF PHARMACY
18 BENEFIT MANAGERS IN MANAGING COSTS UNDER HEALTH COVERAGE
19 PLANS;

20 (g) THE AMOUNT OF REBATES AND DISCOUNTS RECEIVED FROM
21 PHARMACY BENEFIT MANAGERS IN THE PRIOR CALENDAR YEAR
22 ATTRIBUTABLE TO PRESCRIPTION DRUGS ON THE LIST COMPILED IN
23 ACCORDANCE WITH SECTION 25-51-104 (1)(a);

24 (h) A STATEMENT DESCRIBING HOW THE INSURER ADJUSTS
25 ENROLLEE COST SHARING IN HEALTH COVERAGE PLANS AS A RESULT OF
26 PHARMACY BENEFIT MANAGER REBATES AND DISCOUNTS;

27 (i) THE ADMINISTRATIVE FEES PAID IN THE PRIOR CALENDAR YEAR
28 TO PHARMACY BENEFIT MANAGERS AND THE PERCENTAGE OF THOSE
29 ADMINISTRATIVE FEES ATTRIBUTABLE TO PRESCRIPTION DRUGS ON THE
30 LIST COMPILED IN ACCORDANCE WITH SECTION 25-51-104 (1)(a); AND

31 (j) THE AVERAGE AMOUNT EACH ENROLLEE PAYS FOR
32 PRESCRIPTION DRUGS ON THE LIST COMPILED IN ACCORDANCE WITH
33 SECTION 25-51-104 (1)(a).

34 **25-51-108. Pharmacy pricing reports.** (1) PERSONS ENGAGED IN
35 THE PRACTICE OF PHARMACY AS THAT TERM IS DEFINED IN SECTION 12-
36 42.5-102 (31) SHALL ANNUALLY REPORT TO THE STATE BOARD THE
37 FOLLOWING INFORMATION FROM THE PRIOR CALENDAR YEAR:

38 (a) THE TOTAL PAYMENTS RECEIVED FROM PHARMACY BENEFIT
39 MANAGERS FOR PRESCRIPTION DRUGS ON THE LIST COMPILED IN
40 ACCORDANCE WITH SECTION 25-51-104 (1)(a);

41 (b) THE TOTAL PAYMENTS RECEIVED FROM INSURERS FOR
42 PRESCRIPTION DRUGS ON THE LIST COMPILED IN ACCORDANCE WITH
43 SECTION 25-51-104 (1)(a);

1 (c) THE TOTAL PAYMENTS TO PRESCRIPTION DRUG WHOLESALERS,
2 DISTRIBUTORS, AND MANUFACTURERS FOR PRESCRIPTION DRUGS ON THE
3 LIST COMPILED IN ACCORDANCE WITH SECTION 25-51-104 (1)(a); AND

4 (d) THE TOTAL FEES, INCLUDING ADMINISTRATIVE FEES PAID TO
5 PHARMACY BENEFIT MANAGERS, FOR DISPENSING PRESCRIPTION DRUGS ON
6 THE LIST COMPILED IN ACCORDANCE WITH SECTION 25-51-104 (1)(a)."

7 Page 7, line 13, strike "25-51-107." and substitute "25-51-109."

8 Page 8, line 7, strike "25-51-108." and substitute "25-51-110."

9 Page 8, line 22, strike "25-51-109." and substitute "25-51-111."

10 Page 9, line 19, strike "25-51-110." and substitute "25-51-112."

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