

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

March 12, 2025
Date

Committee on Health & Human Services.

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

HB25-1222 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 3, strike lines 4 through 19.
- 2 Reletter succeeding paragraphs accordingly.
- 3 Page 5, line 8, strike "(1.5), (6)(a.5)," and substitute "(1.5)".
- 4 Page 5, line 10, strike "**definitions.**" and insert "**dispensing fees -**
- 5 **definitions.**".
- 6 Page 5, line 13, strike "AVERAGE ACQUISITION COST OF A" and substitute
- 7 "NATIONAL AVERAGE DRUG ACQUISITION COST FOR THE DISPENSED
- 8 PRESCRIPTION DRUG INGREDIENTS AND A DISPENSING FEE. IF THE
- 9 NATIONAL AVERAGE DRUG ACQUISITION COST IS NOT AVAILABLE AT THE
- 10 TIME A PRESCRIPTION DRUG IS ADMINISTERED OR DISPENSED, A PHARMACY
- 11 BENEFIT MANAGEMENT FIRM SHALL NOT REIMBURSE IN AN AMOUNT THAT
- 12 IS LESS THAN THE WHOLESALE ACQUISITION COST OF THE PRESCRIPTION
- 13 DRUG."
- 14 Page 5, strike line 14.
- 15 Page 5, strike lines 21 through 24.
- 16 Page 5, line 25, strike "(I)".
- 17 Page 5, lines 26 and 27, strike "AS DETERMINED BY THE MEDICAL
- 18 SERVICES BOARD IN THE STATE DEPARTMENT OF HEALTH" and substitute
- 19 "AS PUBLISHED FOR A RURAL INDEPENDENT PHARMACY IN 10 CCR
- 20 2505-10 SEC. 8.800.13.L, AS THE RULE EXISTED ON JUNE 1, 2025. ON

1 JANUARY 1, 2028, AND ON JANUARY 1 OF EVERY SECOND YEAR
2 THEREAFTER, A PHARMACY BENEFIT MANAGEMENT FIRM SHALL INCREASE
3 THE AMOUNT OF THE DISPENSING FEE FOR INFLATION. INFLATION IS
4 MEASURED BY THE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES
5 DEPARTMENT OF LABOR'S BUREAU OF LABOR STATISTICS CONSUMER PRICE
6 INDEX, OR A SUCCESSOR INDEX, FOR DENVER-AURORA-LAKEWOOD FOR
7 ALL ITEMS PAID FOR BY URBAN CONSUMERS."

8 Page 6, strike lines 1 through 5.

9 Page 6, strike lines 22 through 27.

10 Page 7, strike lines 1 and 2 and insert:

11 "(g) WHEN SUBJECTING A RURAL INDEPENDENT PHARMACY TO A
12 RECOUPMENT OF FUNDS OF MORE THAN ONE THOUSAND DOLLARS OR A
13 PENALTY OF MORE THAN ONE THOUSAND DOLLARS AS THE RESULT OF AN
14 AUDIT:

15 (I) ELECTRONICALLY NOTIFY THE RURAL INDEPENDENT PHARMACY
16 OF THE RURAL INDEPENDENT PHARMACY'S RIGHTS TO APPEAL PURSUANT
17 TO SUBSECTION (1)(e) OF THIS SECTION AT LEAST THIRTY DAYS BEFORE
18 THE RECOUPMENT OF FUNDS;

19 (II) IF THE RURAL INDEPENDENT PHARMACY DOES NOT RESPOND
20 TO THE ELECTRONIC NOTIFICATION PROVIDED PURSUANT TO SUBSECTION
21 (1)(g)(I) OF THIS SECTION WITHIN THIRTY DAYS AFTER THE ELECTRONIC
22 NOTIFICATION, AGAIN ELECTRONICALLY NOTIFY THE RURAL INDEPENDENT
23 PHARMACY OF THE RURAL INDEPENDENT PHARMACY'S RIGHTS TO APPEAL
24 PURSUANT TO SUBSECTION (1)(e) OF THIS SECTION AT LEAST THIRTY DAYS
25 BEFORE THE RECOUPMENT OF FUNDS; AND

26 (III) IF THE RURAL INDEPENDENT PHARMACY DOES NOT RESPOND
27 TO THE SECOND ELECTRONIC NOTIFICATION PROVIDED PURSUANT TO
28 SUBSECTION (1)(g)(II) OF THIS SECTION WITHIN THIRTY DAYS AFTER THE
29 SECOND ELECTRONIC NOTIFICATION, SERVE PROCESS ON THE RURAL
30 INDEPENDENT PHARMACY NOTIFYING OF THE RURAL INDEPENDENT
31 PHARMACY'S RIGHTS TO APPEAL PURSUANT TO SUBSECTION (1)(e) OF THIS
32 SECTION AT LEAST THIRTY DAYS BEFORE THE RECOUPMENT OF FUNDS."

33 Page 7, line 4, strike "(17.5) and".

34 Page 7, strike lines 8 through 10.

35 Page 7, strike lines 13 through 27 and substitute:

1 **"SECTION 7.** In Colorado Revised Statutes, 12-280-118, **add**
2 (3)(d) as follows:

3 **12-280-118. Prescription drug outlet under charge of**
4 **pharmacist - rules.** (3) (d) A PRESCRIPTION DRUG OUTLET THAT IS A
5 RURAL INDEPENDENT PHARMACY NEED NOT BE UNDER THE DIRECT
6 CHARGE OF A PHARMACIST IF THE INITIAL INTERPRETATION AND FINAL
7 EVALUATION OF THE PRESCRIPTION IS DONE BY A PHARMACIST IN PERSON
8 OR REMOTELY."

9 Page 8, strike lines 1 through 10.

** *** ** *** **