

HELP TDI APPLY ENFORCEMENT OF LAWS PROTECTING TX PATIENTS & PHARMACIES TO OUT-OF-STATE PBMS

SUPPORT SB 1137 BY SCHWERTNER



Vital reforms passed in the 2021 Session protect TX pharmacies & their patients from actions that reduce patient choice and access to vital pharmacy care. These reforms are not being enforced consistently against PBMs by the TX Department of Insurance.

HB 1763 BY OLIVERSON & HB 1919 BY HARRIS

On a combined 177-0 vote, the Legislature passed HB 1763 by Oliverson to prohibit retroactive fees or reductions in payment, bar restrictions on pharmacy delivery or mailing of drugs, and stop PBMs from reimbursing their own pharmacies at higher rates.

HB 1919 by Harris, passed 158-16, prohibits steering of pharmacy patients to PBM-owned pharmacies and PBM use of patient-identifiable data for marketing.

OUT-OF-STATE PBMS ESCAPE ENFORCEMENT

The TX. Dept. of Insurance successfully enforces the provisions of HB 1763 | HB 1919 when complaints are filed against PBMs representing health plans based in Texas. But the agency feels it does not have the authority under the laws to enforce their provisions when complaints are filed against PBMs contracted by health plans that operate in Texas, but are based out-of-state.

WHAT PATIENTS & PHARMACIES NEED

- ★ Amend Subchapter D of Chapter 4151 of the Tx Insurance Code to specify that PBMs must comply with provisions of Section 1369 of the Code in all pharmacy benefits plans they administer for any health care plan not previously excluded from the provisions of Section 1369.

HOW TEXAS BENEFITS

- ★ TDI will have authority to better enforce the protections of HB 1763 and HB 1919 by being able to investigate and resolve complaints filed against PBMs working for health plans based outside Texas.
- ★ Texas patients and pharmacies will have consistent protection under the two laws.
- ★ The intent of the Legislature — expressed strongly and clearly in 177-0 and 158-16 votes on the two bills in 2021 — will be fully realized.

This Critical Legislation is Supported by All Retail Pharmacy Groups in Texas

American Pharmacies 