



Legislation Filed by Texas Pharmacy Business Council

2009 Session

SB 704 by Nelson | Effective 9/1/2009: Increased transparency in PBM contracts with the state and authorized interagency sharing of contract data; required TDI to conduct a study on how PBMs use prescription drug information to manage therapeutic drug interchanges. The bill also established mail-order price parity in the group insurance plan for state employees; established mail-order guidelines for both ERS and TRS health plans and required those plans to use a pharmacy reimbursement benchmark.

SB 2423 by Deuell | Effective 9/1/2009: Amended the Texas Insurance Code to require issuers and operators of pharmacy discount cards to disclose up front to patients if they sell or transfer personal patient information or patient drug history.

2011 Session

SB 2292 by Hunter | Effective 9/1/2011: Requires payment of an affirmatively adjudicated electronic pharmacy claim within 18 days; prohibits health plans or PBMs from using extrapolation in pharmacy audits or requiring an extrapolation audit as a condition of joining a provider network.

2013 Session

SB 1106 by Schwertner | Effective 9/1/2013: Comprehensive MAC pricing reforms in Medicaid managed care, including a requirement that all PBMs provide pharmacies online access to MAC pricing, update MAC prices weekly and establish a MAC appeals process.

HB 1358 by Hunter | Effective 9/1/2013: Established reasonable standards and procedures for desk and on-site audits of network pharmacies in commercial health plans.

2015 Session

SB 322 By Schwertner | HB 778 By Bell: Would have strengthened enforcement of the state's 1991 Any Willing Pharmacy Law. Senate bill withdrawn after sponsor issues.

SB 332 By Schwertner | Effective 1/1/2016: Comprehensive MAC pricing reforms in commercial plans, including a requirement that all PBMs provide pharmacies online access to MAC pricing, update MAC prices weekly and establish a MAC appeals process.

SB 94 By Hinojosa | Effective 9/1/2015: The nation's first comprehensive ban on transaction fees. *After the session, TPBC convinced HHSC to modify MCO contract requirements to prohibit transaction fees in Texas Medicaid managed care.*

2017 Session

SB 1076 By Schwertner | Effective 9/1/2017: The nation's fourth anti-clawback law. Prohibits a health plan or PBM from charging a co-payment for a covered medication that exceeds the lesser of:

- The standard co-payment;
- The allowable claim amount for the drug; or
- The pharmacy's cash price.

HB 1178 By Kuempel | Effective 9/1/2017: Strengthened criminal penalties for burglaries and thefts that target controlled drugs in pharmacies, clinics, hospitals, nursing facilities, warehouses and wholesaler delivery/transport vehicles.

2019 Session

HB 2817 By Lucio III | HB 778 By Hughes: This far-reaching bill would have prevented PBMS from retroactively reducing payments after a claim is adjudicated, except as a legitimate audit outcome. It also would have barred them from paying PBM-owned or -affiliated pharmacies more for the same products and required them to clearly state reimbursement and fee schedules in provider contracts with pharmacies. The bill would have barred excessive certification and credentialing requirements by PBMs and guaranteed pharmacies' rights to deliver and mail medications to patients. The bill was on the Senate intent calendar the final two days of the session but was not brought up for a vote despite having 26 Senate sponsors. **The Senate substitute bill (CSHB 2817) was publicly supported by every pharmacy group in Texas.**

HB 1455 by Hunter | Effective 9/1/2019: Establishes common-sense standards and limits on wholesale invoice audits conducted by health plans or PBMs.

In addition to the legislation it has passed, TPBC was responsible in 2015 for securing income exclusions and a higher income floor for pharmacies under the state's franchise tax. We have been instrumental in defeating numerous attempts to expand physician dispensing in Texas and to expand telepharmacy.