

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 1059

By: McEntire

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6 AS INTRODUCED

7 An Act relating to pharmacy; prohibiting certain
8 health care disclosure restrictions for certain
9 pharmacy or pharmacist; providing for total cost
10 disclosure; prohibiting certain actions by pharmacy
11 benefits manager; providing for codification; and
12 providing an effective date.

13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 360.1 of Title 59, unless there
16 is created a duplication in numbering, reads as follows:

17 A. In any participation contracts between pharmacy benefits
18 managers and pharmacists or pharmacies providing prescription drug
19 coverage for health benefit plans, no pharmacy or pharmacist may be
20 prohibited, restricted or penalized in any way from disclosing to
21 any covered person any health care information that the pharmacy or
22 pharmacist deems appropriate regarding the nature of treatment,
23 risks of treatment, the availability of alternate therapies,
24 consultations, tests, the decision of utilization reviewers or
similar persons to authorize or deny services, the process that is

1 used to authorize or deny health care services or benefits or
2 information on financial incentives and structures used by the
3 insurer.

4 B. A pharmacy or pharmacist may provide to an insured
5 information regarding the covered person's total cost for pharmacist
6 services for a prescription drug.

7 C. A pharmacy or pharmacist shall not be proscribed by a
8 pharmacy benefits manager from discussing information regarding the
9 total cost for pharmacist services for a prescription drug or from
10 selling a more affordable alternative to the covered person if a
11 more affordable alternative is available.

12 D. A pharmacy benefits manager's contract with a participating
13 pharmacist or pharmacy shall not prohibit, restrict or limit
14 disclosure of information to the Insurance Commissioner, law
15 enforcement or state and federal governmental officials
16 investigating or examining a complaint or conducting a review of a
17 pharmacy benefits manager's compliance with the requirements under
18 this section.

19 SECTION 2. This act shall become effective November 1, 2019.

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21 57-1-5182 SH 01/09/19

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