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HOUSE BILL 274

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

Deborah A. Armstrong

AN ACT

RELATING TO HEALTH COVERAGE; ENACTING SECTIONS OF THE HEALTH CARE PURCHASING ACT, THE PUBLIC ASSISTANCE ACT, THE NEW MEXICO INSURANCE CODE, THE HEALTH MAINTENANCE ORGANIZATION LAW AND THE NONPROFIT HEALTH CARE PLAN LAW TO ALLOW SYNCHRONIZATION OF PRESCRIPTIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Health Care Purchasing Act is enacted to read:

"[NEW MATERIAL] PHARMACY BENEFITS--PRESCRIPTION SYNCHRONIZATION.--

A. Group health coverage, including any form of self-insurance, offered, issued or renewed under the Health Care Purchasing Act that offers a prescription drug benefit shall allow an enrollee to fill or refill a prescription for

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1 less than a thirty-day supply of the prescription drug, and
2 apply a prorated daily copayment or coinsurance for the fill or
3 refill, if:

4 (1) the prescribing practitioner or the
5 pharmacist determines the fill or refill to be in the best
6 interest of the patient;

7 (2) the patient requests or agrees to receive
8 less than a thirty-day supply of the prescription drug; and

9 (3) the reduced fill or refill is made for the
10 purpose of synchronizing the patient's prescription drug fills.

11 B. Group health coverage, including any form of
12 self-insurance, offered, issued or renewed under the Health
13 Care Purchasing Act that offers a prescription drug benefit
14 shall not:

15 (1) deny coverage for the filling of a chronic
16 medication when the fill is made in accordance with a plan to
17 synchronize multiple prescriptions for the enrollee pursuant to
18 Subsection A of this section established among the group health
19 plan, the prescribing practitioner and a pharmacist. The group
20 health plan shall allow a pharmacy to override any denial
21 indicating that a prescription is being refilled too soon for
22 the purposes of medication synchronization; and

23 (2) prorate a dispensing fee to a pharmacy
24 that fills a prescription with less than a thirty-day supply of
25 prescription drug pursuant to Subsection A of this section.

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1 The group health plan shall pay in full a dispensing fee for a
2 partially filled or refilled prescription for each prescription
3 dispensed, regardless of any prorated copayment or coinsurance
4 that the enrollee may pay for prescription synchronization
5 services."

6 SECTION 2. A new section of the Public Assistance Act is
7 enacted to read:

8 "[NEW MATERIAL] MEDICAL ASSISTANCE--PHARMACY BENEFITS--
9 PRESCRIPTION SYNCHRONIZATION.--

10 A. In accordance with federal law, the secretary
11 shall adopt and promulgate rules that allow a recipient to fill
12 or refill a prescription for less than a thirty-day supply of a
13 prescription drug and apply a prorated daily copayment or
14 coinsurance, if applicable, for the fill or refill, if:

15 (1) the prescribing practitioner or the
16 pharmacist determines the fill or refill to be in the best in
17 the best interest of the patient;

18 (2) the recipient requests or agrees to
19 receive less than a thirty-day supply of the prescription drug;
20 and

21 (3) the reduced fill or refill is made for the
22 purpose of synchronizing the recipient's prescription drug
23 fills.

24 B. Medical assistance coverage shall not:

25 (1) deny coverage for the filling of a chronic

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1 medication when the fill is made in accordance with a plan to
2 synchronize multiple prescriptions for the recipient pursuant
3 to Subsection A of this section established among the
4 department or the recipient's managed care plan, the
5 prescribing practitioner and a pharmacist. The medical
6 assistance coverage shall allow a pharmacy to override any
7 denial indicating that a prescription is being refilled too
8 soon for the purposes of medication synchronization; and

9 (2) prorate a dispensing fee to a pharmacy
10 that fills a prescription with less than a thirty-day supply of
11 prescription drug pursuant to Subsection A of this section.
12 The medical assistance coverage shall pay in full a dispensing
13 fee for a partially filled or refilled prescription for each
14 prescription dispensed, regardless of any prorated copayment or
15 coinsurance that the recipient may pay for prescription
16 synchronization services."

17 SECTION 3. A new section of Chapter 59A, Article 22 NMSA
18 1978 is enacted to read:

19 "[NEW MATERIAL] PHARMACY BENEFITS--PRESCRIPTION
20 SYNCHRONIZATION.--

21 A. An individual health insurance policy, health
22 care plan or certificate of health insurance that is delivered,
23 issued for delivery or renewed in this state and that provides
24 a prescription drug benefit shall allow an insured to fill or
25 refill a prescription for less than a thirty-day supply of the

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1 prescription drug, and apply a prorated daily copayment or
2 coinsurance for the fill or refill, if:

3 (1) the prescribing practitioner or the
4 pharmacist determines the fill or refill to be in the best in
5 the best interest of the insured;

6 (2) the insured requests or agrees to receive
7 less than a thirty-day supply of the prescription drug; and

8 (3) the reduced fill or refill is made for the
9 purpose of synchronizing the insured's prescription drug fills.

10 B. An individual health insurance policy, health
11 care plan or certificate of health insurance that offers a
12 prescription drug benefit shall not:

13 (1) deny coverage for the filling of a chronic
14 medication when the fill is made in accordance with a plan to
15 synchronize multiple prescriptions for the insured pursuant to
16 Subsection A of this section established among the insurer, the
17 prescribing practitioner and a pharmacist. The insurer shall
18 allow a pharmacy to override any denial indicating that a
19 prescription is being refilled too soon for the purposes of
20 medication synchronization; and

21 (2) prorate a dispensing fee to a pharmacy
22 that fills a prescription with less than a thirty-day supply of
23 prescription drug pursuant to Subsection A of this section.
24 The insurer shall pay in full a dispensing fee for a partially
25 filled or refilled prescription for each prescription

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1 dispensed, regardless of any prorated copayment or coinsurance
2 that the insured may pay for prescription synchronization
3 services."

4 SECTION 4. A new section of Chapter 59A, Article 23 NMSA
5 1978 is enacted to read:

6 "[NEW MATERIAL] PHARMACY BENEFITS--PRESCRIPTION
7 SYNCHRONIZATION.--

8 A. A group or blanket health insurance policy,
9 health care plan or certificate of health insurance that is
10 delivered, issued for delivery or renewed in this state and
11 that provides a prescription drug or device benefit shall allow
12 an insured to fill or refill a prescription for less than a
13 thirty-day supply of the prescription drug, and apply a
14 prorated daily copayment or coinsurance for the fill or refill,
15 if:

16 (1) the prescribing practitioner or the
17 pharmacist determines the fill or refill to be in the best in
18 the best interest of the insured;

19 (2) the insured requests or agrees to receive
20 less than a thirty-day supply of the prescription drug; and

21 (3) the reduced fill or refill is made for the
22 purpose of synchronizing the insured's prescription drug fills.

23 B. A group or blanket health insurance policy,
24 health care plan or certificate of health insurance that is
25 delivered, issued for delivery or renewed in this state and

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1 that provides a prescription drug or device benefit shall not:

2 (1) deny coverage for the filling of a chronic
3 medication when the fill is made in accordance with a plan to
4 synchronize multiple prescriptions for the insured pursuant to
5 Subsection A of this section established among the insurer, the
6 prescribing practitioner and a pharmacist. The insurer shall
7 allow a pharmacy to override any denial indicating that a
8 prescription is being refilled too soon for the purposes of
9 medication synchronization; and

10 (2) prorate a dispensing fee to a pharmacy
11 that fills a prescription with less than a thirty-day supply of
12 prescription drug pursuant to Subsection A of this section.
13 The insurer shall pay in full a dispensing fee for a partially
14 filled or refilled prescription for each prescription
15 dispensed, regardless of any pro-rated copayment or coinsurance
16 that the insured may pay for prescription synchronization
17 services."

18 SECTION 5. A new section of the Health Maintenance
19 Organization Law is enacted to read:

20 "[NEW MATERIAL] PHARMACY BENEFITS--PRESCRIPTION
21 SYNCHRONIZATION.--

22 A. An individual or group health maintenance
23 organization contract that is delivered, issued for delivery or
24 renewed in this state and that provides prescription drug
25 benefits shall allow an enrollee to fill or refill a

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1 prescription for less than a thirty-day supply of the
2 prescription drug, and apply a prorated daily copayment or
3 coinsurance for the fill or refill, if:

4 (1) the prescribing practitioner or the
5 pharmacist determines the fill or refill to be in the best
6 interest of the enrollee;

7 (2) the enrollee requests or agrees to receive
8 less than a thirty-day supply of the prescription drug; and

9 (3) the reduced fill or refill is made for the
10 purpose of synchronizing the enrollee's prescription drug
11 fills.

12 B. An individual or group health maintenance
13 organization contract that is delivered, issued for delivery or
14 renewed in this state and that provides prescription drug
15 benefits shall not:

16 (1) deny coverage for the filling of a chronic
17 medication when the fill is made in accordance with a plan to
18 synchronize multiple prescriptions for the enrollee pursuant to
19 Subsection A of this section established among the health
20 maintenance organization, the prescribing practitioner and a
21 pharmacist. The health maintenance organization shall allow a
22 pharmacy to override any denial indicating that a prescription
23 is being refilled too soon for the purposes of medication
24 synchronization; and

25 (2) prorate a dispensing fee to a pharmacy

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1 that fills a prescription with less than a thirty-day supply of
2 prescription drug pursuant to Subsection A of this section.
3 The health maintenance organization shall pay in full a
4 dispensing fee for a partially filled or refilled prescription
5 for each prescription dispensed, regardless of any prorated
6 copayment or coinsurance that the enrollee may pay for
7 prescription synchronization services."

8 SECTION 6. A new section of the Nonprofit Health Care
9 Plan Law is enacted to read:

10 "[NEW MATERIAL] PHARMACY BENEFITS--PRESCRIPTION
11 SYNCHRONIZATION.--

12 A. An individual or group health care plan that is
13 delivered, issued for delivery or renewed in this state and
14 that provides a prescription drug benefit shall allow a
15 subscriber to fill or refill a prescription for less than a
16 thirty-day supply of the prescription drug, and apply a
17 prorated daily copayment or coinsurance for the fill or refill,
18 if:

19 (1) the prescribing practitioner or the
20 pharmacist determines the fill or refill to be in the best in
21 the best interest of the subscriber;

22 (2) the subscriber requests or agrees to
23 receive less than a thirty-day supply of the prescription drug;
24 and

25 (3) the reduced fill or refill is made for the

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1 purpose of synchronizing the subscriber's prescription drug
2 fills.

3 B. An individual or group health care plan that is
4 delivered, issued for delivery or renewed in this state and
5 that provides a prescription drug benefit shall not:

6 (1) deny coverage for the filling of a chronic
7 medication when the fill is made in accordance with a plan to
8 synchronize multiple prescriptions for the subscriber pursuant
9 to Subsection A of this section established among the health
10 care plan, the prescribing practitioner and a pharmacist. The
11 health care plan shall allow a pharmacy to override any denial
12 indicating that a prescription is being refilled too soon for
13 the purposes of medication synchronization; and

14 (2) prorate a dispensing fee to a pharmacy
15 that fills a prescription with less than a thirty-day supply of
16 prescription drug pursuant to Subsection A of this section.
17 The health care plan shall pay in full a dispensing fee for a
18 partially filled or refilled prescription for each prescription
19 dispensed, regardless of any prorated copayment or coinsurance
20 that the subscriber may pay for prescription synchronization
21 services."