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SENATE MEMORIAL 19

54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020

INTRODUCED BY

Steven P. Neville

A MEMORIAL

REQUESTING THE HUMAN SERVICES DEPARTMENT TO COMMISSION A
PHARMACY COST-OF-DISPENSING STUDY TO EVALUATE AN APPROPRIATE
PROFESSIONAL DISPENSING FEE AS REQUIRED BY THE FEDERAL CENTERS
FOR MEDICARE AND MEDICAID SERVICES USING NEW MEXICO ACTUAL
PHARMACY DATA.

WHEREAS, prescription drugs, when used correctly and with
professional guidance, are a key element of health care; and

WHEREAS, New Mexico pharmacies are critical to providing
frontline care to New Mexico residents; and

WHEREAS, New Mexico is a largely rural state, where access
to health care services, including pharmacy services, can be
disparate; and

WHEREAS, independent community pharmacies are locally
owned small businesses, stable employers and engaged community

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1 members; and

2 WHEREAS, independently owned community pharmacies are
3 struggling to keep their doors open in the face of historically
4 low professional dispensing fee reimbursements paid through
5 pharmacy benefits managers; and

6 WHEREAS, pharmacy benefits managers own competing
7 pharmacies and simultaneously decide the dispensing fee
8 reimbursement amount that a participating pharmacy will receive
9 for serving patients; and

10 WHEREAS, the information gleaned from a study of
11 dispensing fees could be useful to state policymakers as well
12 as private and public pharmacy drug benefit payers;

13 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
14 OF NEW MEXICO that the human services department be requested
15 to commission a pharmacy cost-of-dispensing study to evaluate
16 an appropriate professional dispensing fee as required by the
17 federal centers for medicare and medicaid services using New
18 Mexico actual pharmacy data; and

19 BE IT FURTHER RESOLVED that the chosen contractor, survey
20 instrument and methodology be consistent with guidelines from
21 the federal centers for medicare and medicaid services
22 regarding the components of pharmacy costs that are
23 appropriately applied reimbursements through the pharmacy
24 dispensing fee of a state medicaid program; and

25 BE IT FURTHER RESOLVED that the secretary of human

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1 services be requested to provide the findings of the study to
2 the governor, the legislative finance committee, the
3 legislative health and human services committee and the
4 superintendent of insurance by November 30, 2021; and

5 BE IT FURTHER RESOLVED that funding for the study be
6 included in the fiscal year 2022 human services department
7 state budget appropriation; and

8 BE IT FURTHER RESOLVED that copies of this memorial be
9 transmitted to the governor, the secretary of human services,
10 the chair of the legislative health and human services
11 committee, the chair of the legislative finance committee and
12 the superintendent of insurance.