

By: Representatives Mims, Mettetal

To: Insurance

HOUSE BILL NO. 538

1 AN ACT TO PROVIDE THAT INDIVIDUAL AND GROUP HEALTH INSURANCE
 2 POLICIES PROVIDING PRESCRIPTION DRUG COVERAGE MUST PERMIT AND
 3 APPLY A PRORATED DAILY COST-SHARING RATE TO PRESCRIPTIONS THAT ARE
 4 DISPENSED BY A NETWORK PHARMACY FOR A PARTIAL SUPPLY IF THE
 5 PRESCRIBER OR PHARMACIST DETERMINES THE FILL OR REFILL TO BE IN
 6 THE BEST INTEREST OF THE PATIENT AND THE PATIENT REQUESTS OR
 7 AGREES TO A PARTIAL SUPPLY FOR THE PURPOSE OF SYNCHRONIZING THE
 8 PATIENT'S MEDICATIONS; TO PROHIBIT INDIVIDUAL AND GROUP HEALTH
 9 INSURANCE POLICIES FROM DENYING COVERAGE FOR THE DISPENSING OF A
 10 MEDICATION THAT IS DISPENSED BY A NETWORK PHARMACY ON THE BASIS
 11 THAT THE DISPENSING IS FOR A PARTIAL SUPPLY; TO PROVIDE THAT
 12 INDIVIDUAL AND GROUP HEALTH INSURANCE POLICIES MUST ALLOW A
 13 PHARMACY TO OVERRIDE ANY DENIAL CODES INDICATING THAT A
 14 PRESCRIPTION IS BEING REFILLED TOO SOON FOR THE PURPOSES OF
 15 MEDICATION SYNCHRONIZATION; TO PROVIDE THAT INDIVIDUAL AND GROUP
 16 HEALTH INSURANCE POLICIES MUST USE PAYMENT STRUCTURES
 17 INCORPORATING PRORATED DISPENSING FEES; TO PROVIDE THAT DISPENSING
 18 FEES FOR PARTIALLY FILLED OR REFILLED PRESCRIPTIONS MUST BE PAID
 19 IN FULL FOR EACH PRESCRIPTION DISPENSED; AND FOR RELATED PURPOSES.

20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

21 **SECTION 1.** (1) An individual or group health insurance
 22 policy providing prescription drug coverage in the state must
 23 permit and apply a prorated daily cost-sharing rate to
 24 prescriptions that are dispensed by a network pharmacy for a
 25 partial supply if the prescriber or pharmacist determines the fill
 26 or refill to be in the best interest of the patient and the



27 patient requests or agrees to a partial supply for the purpose of
28 synchronizing the patient's medications.

29 (2) No individual or group health insurance policy providing
30 prescription drug coverage shall deny coverage for the dispensing
31 of a medication that is dispensed by a network pharmacy on the
32 basis that the dispensing is for a partial supply if the
33 prescriber or pharmacist determines the fill or refill to be in
34 the best interest of the patient and the patient requests or
35 agrees to a partial supply for the purpose of synchronizing the
36 patient's medications. The individual or group health insurance
37 policy must allow a pharmacy to override any denial codes
38 indicating that a prescription is being refilled too soon for the
39 purposes of medication synchronization.

40 (3) No individual or group health insurance policy providing
41 prescription drug coverage shall use payment structures
42 incorporating prorated dispensing fees. Dispensing fees for
43 partially filled or refilled prescriptions shall be paid in full
44 for each prescription dispensed, regardless of any prorated copay
45 for the beneficiary or fee paid for alignment services.

46 **SECTION 2.** This act shall take effect and be in force from
47 and after July 1, 2017.

