

By: Senator(s) Parker

To: Insurance

SENATE BILL NO. 2716

1 AN ACT TO ESTABLISH THE "COMMISSION ON MISSISSIPPI PHARMACY
 2 BENEFITS MANAGER (PBM) AND MISSISSIPPI VISION BENEFITS MANAGER
 3 (VBM)LICENSURE ISSUES" TO STUDY AND DEVELOP RECOMMENDATIONS TO THE
 4 LEGISLATURE ON COMPREHENSIVE LICENSURE REVISIONS AND OVERSIGHT; TO
 5 PRESCRIBE THE MEMBERSHIP OF THE COMMISSION AND AUTHORIZE THE
 6 COMMISSION TO ORGANIZE, HOLD HEARINGS AND MAKE ITS REPORT; TO
 7 PRESCRIBE ISSUES FOR THE COMMISSION TO CONSIDER; AND FOR RELATED
 8 PURPOSES.

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

10 **SECTION 1.** (1) There is hereby established the Commission
 11 on Mississippi Pharmacy Benefits Manager (PBM) and Mississippi
 12 Vision Benefits Manager (VBM) Issues to study and develop
 13 recommendations to the Legislature and the Mississippi Department
 14 of Insurance regarding comprehensive licensure revisions and
 15 oversight of network adequacy and compensation requirements for
 16 PBMs and VBMs.

17 (a) The members of the commission shall be as follows:

18 (i) The Chairmen of the Senate Committee on
 19 Accountability, Efficiency and Transparency and the House
 20 Committee on Accountability, Efficiency and Transparency;



21 (ii) The Chairmen of the Senate Committee on
22 Insurance and the House Committee on Insurance;

23 (iii) A representative of the State Board of
24 Pharmacy appointed by the board;

25 (iv) A representative of the State Board of
26 Optometry appointed by the board;

27 (v) Two (2) licensed pharmacists, one (1)
28 appointed by the Lieutenant Governor and one (1) by the Speaker of
29 the House, respectively;

30 (vi) Two (2) licensed optometrists, one (1)
31 appointed by the Lieutenant Governor and one (1) appointed by the
32 Speaker of the House, respectively;

33 (vii) One (1) representative of the current PBM
34 organizations appointed by the Lieutenant Governor; and

35 (viii) One (1) representative of the current VBM
36 organizations appointed by the Speaker of the House; and

37 (ix) The Mississippi Commissioner of Insurance, or
38 his designee.

39 (b) The commission shall meet within forty-five (45)
40 days of the effective date of this section, upon the call of the
41 Governor, and shall organize for business. The commission shall
42 elect a chair from among the members. The commission shall
43 develop and report its findings and any recommendations for
44 proposed legislation to the Governor, the Legislature and the
45 Mississippi Department of Insurance on or before December 1, 2024.



46 A quorum of the membership shall be required to approve any final
47 report and recommendation. Members of the commission shall be
48 reimbursed from any available funds for necessary travel expense
49 in the same manner as public employees are reimbursed for official
50 duties and members of the Legislature shall be reimbursed in the
51 same manner for attending out-of-session committee meetings.

52 (c) Specifically, the commission shall review and make
53 recommendations on the following issues:

54 (i) Consider legislation which places
55 comprehensive licensure and oversight over PBMs operating in
56 Mississippi.

57 (ii) Empowering an appropriate state agency to
58 serve as the regulator for PBMs.

59 (iii) A PBM must have an active license to do
60 business in Mississippi, and if a PBM violates any statutes or
61 rules pertaining to PBMs, their license can be fined, suspended or
62 revoked.

63 (iv) Any PBM Licensure Act will not interfere with
64 Any Willing Provider (AWP), the Pharmacy Audit Bill of Rights, the
65 Maximum Allowable Cost Act, or other statutory protections already
66 in the law.

67 (v) Consider legislation under which a PBM would
68 be required to:



69 1. Provide an adequate and accessible
70 pharmacy benefits manager network for health benefits plans (mail
71 order pharmacies are not allowed to ensure an adequate network);

72 2. Provide for a compensation program for the
73 reimbursement of pharmacist services that are paid to a pharmacist
74 or pharmacy that is "fair and reasonable" to be able to maintain
75 an adequate network;

76 3. The Insurance Commissioner can write rules
77 and regulations to put more specific parameters around the network
78 adequacy and compensation requirements.

79 (vi) Consider legislation under which PBMs will
80 also be prohibited from doing the following acts:

81 1. Using untrue, deceptive or misleading
82 solicitations or advertisements;

83 2. Charging a pharmacy or pharmacist fees
84 related to adjudication of a claim, without review and approval by
85 the Insurance Commissioner;

86 3. Requiring accreditation or certification
87 requirements more stringent than the Mississippi State Board of
88 Pharmacy without approval from the Insurance Commissioner, in
89 coordination with the Mississippi State Board of Pharmacy;

90 4. Paying a PBM's own pharmacy or pharmacist
91 more than they pay a Mississippi pharmacy or pharmacist for
92 providing the same pharmacist service;



93 5. Denying or reducing a paid claim
94 retroactively, unless it was fraudulently submitted or the service
95 was not properly rendered;

96 6. Keeping money from a pharmacy in the event
97 the pharmacy is terminated from a network;

98 7. Placing a prohibition over the pharmacist
99 or pharmacy from sharing data with the patient or government
100 entities.

101 (vi) Consider legislation which places
102 comprehensive licensure and oversight over VBMs operating in
103 Mississippi by empowering an appropriate state agency to serve as
104 the regulator for VBMs.

105 (vii) A VBM must have an active license to do
106 business in Mississippi, and if a VBM violates any statues or
107 rules pertaining to VBMs, their license can be fined, suspended or
108 revoked.

109 (viii) Any VBM Licensure Act will not interfere
110 with Any Willing Provider (AWP) or other statutory protections
111 already in the law.

112 (ix) Consider legislation under which a VBM would
113 be required to:

114 1. Provide an adequate and accessible vision
115 benefits manager network for health benefits plans (mail order
116 entities are not allowed to ensure an adequate network);



117 2. Provide for a compensation program for the
118 reimbursement of optometrists' services that are paid to an
119 optometrist that is "fair and reasonable" to be able to maintain
120 an adequate network;

121 3. There are rules and regulations to put
122 more specific parameters around the network adequacy and
123 compensation requirements.

124 (x) Consider legislation under which VBMs will
125 also be prohibited from doing the following acts:

126 1. Using untrue, deceptive or misleading
127 solicitations or advertisements;

128 2. Charging an optometrist fee related to
129 adjudication of a claim, without review and approval by the
130 Insurance Commissioner;

131 3. Requiring accreditation or certification
132 requirements more stringent than the Mississippi State Board of
133 Optometry without approval from the Insurance Commissioner, in
134 coordination with the Mississippi State Board of Optometry;

135 4. Paying a VBM's own optical or optometrist
136 more than they pay a Mississippi optical or optometrist for
137 providing the same optometrist service;

138 5. Denying or reducing a paid claim
139 retroactively, unless it was fraudulently submitted or the service
140 was not properly rendered;



141 6. Keeping money from an optometrist in the
142 event the optometrist is terminated from a network;

143 7. Placing a prohibition over the optical or
144 optometrist from sharing data with the patient or government
145 entities.

146 (xi) Any necessary revisions to the Pharmacy
147 Benefit Prompt Pay Act or the Pharmacy Practice Licensure Law or
148 the Optometry Practice Act.

149 (d) Upon making its report, the commission shall be
150 dissolved.

151 **SECTION 2.** This act shall take effect and be in force from
152 and after July 1, 2024.

