
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1800 Session of
2018

INTRODUCED BY NELSON, PICKETT, LONGIETTI, WARREN, V. BROWN,
DRISCOLL, MARSHALL, DIAMOND, BIZZARRO, BAKER, HENNESSEY,
MASSER, BOBACK, SAYLOR, KAUFFMAN, MARSICO, PHILLIPS-HILL,
CORBIN, NESBIT, ZIMMERMAN, WARD, WATSON, MILNE, FARRY, FRITZ,
WALSH, ROE, DUNBAR, EVANKOVICH, MURT, BERNSTINE, CHARLTON,
COMITTA, REESE, DALEY, KAUFER, GROVE, B. MILLER, DIGIROLAMO,
ROTHMAN, COOK, DELOZIER, GABLER AND KLUNK, APRIL 2, 2018

REFERRED TO COMMITTEE ON INSURANCE, APRIL 2, 2018

AN ACT

1 Amending Title 40 (Insurance) of the Pennsylvania Consolidated
2 Statutes, in regulation of insurers and related persons
3 generally, providing for medication synchronization.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Part II of Title 40 of the Pennsylvania
7 Consolidated Statutes is amended by adding a chapter to read:

8 CHAPTER 39

9 MEDICATION SYNCHRONIZATION

10 Sec.

11 3901. Definitions.

12 3902. Prorated daily cost-sharing rate.

13 3903. Denial of coverage.

14 3904. Certain payment structures prohibited.

15 3905. Application of chapter.

16 § 3901. Definitions.

1 The following words and phrases when used in this chapter
2 shall have the meanings given to them in this section unless the
3 context clearly indicates otherwise:

4 "Health insurance plan." A policy, subscriber contract,
5 certificate or plan issued by an insurer that provides medical
6 or health care coverage. The term does not include any of the
7 following:

8 (1) An accident only policy.

9 (2) A credit only policy.

10 (3) A long-term care or disability income policy.

11 (4) A specified disease policy.

12 (5) A Medicare supplement policy.

13 (6) A TRICARE policy, including a Civilian Health and
14 Medical Program of the Uniformed Services (CHAMPUS)
15 supplement policy.

16 (7) A fixed indemnity policy.

17 (8) A dental only policy.

18 (9) A vision only policy.

19 (10) A workers' compensation policy.

20 (11) An automobile medical payment policy.

21 (12) Another similar policy providing for limited
22 benefits.

23 "Insurer." An entity licensed by the department with
24 accident and health authority to issue a policy, subscriber
25 contract, certificate or plan that provides medical or health
26 care coverage that is offered or governed under any of the
27 following:

28 (1) The act of May 17, 1921 (P.L.682, No.284), known as
29 The Insurance Company Law of 1921, including section 630 and
30 Article XXIV of that act.

1 (2) The act of December 29, 1972 (P.L.1701, No.364),
2 known as the Health Maintenance Organization Act.

3 (3) Chapter 61 (relating to hospital plan corporations)
4 or 63 (relating to professional health services plan
5 corporations).

6 "Maintenance medication." A medication prescribed for a
7 chronic, long-term condition and taken on a regular, recurring
8 basis.

9 "Medication synchronization." The coordination of
10 prescription drug filling or refilling by a pharmacy or
11 dispensing physician for a program participant taking two or
12 more maintenance medications for the purpose of improving
13 medication adherence.

14 "Pharmacy." Every place properly issued a permit by the
15 State Board of Pharmacy where drugs, devices and diagnostic
16 agents for human or animal consumption are stored, dispensed or
17 compounded, excluding offices or facilities of veterinarians
18 licensed by the State Board of Veterinary Medical Examiners. The
19 following shall apply:

20 (1) The term shall not include the operations of a
21 manufacturer or distributor as defined in the act of April
22 14, 1972 (P.L.233, No.64), known as The Controlled Substance,
23 Drug, Device and Cosmetic Act.

24 (2) In an institution, the term shall refer to the
25 organized pharmacy service in the institution under the
26 direct supervision of a licensed pharmacist.

27 § 3902. Prorated daily cost-sharing rate.

28 A health insurance plan shall permit and apply a prorated
29 daily cost-sharing rate to prescription drugs that are dispensed
30 by a pharmacy as a partial supply if the pharmacist or

1 prescriber determines the fill or refill to be in the best
2 interest of the patient and the patient requests or agrees to a
3 partial supply for the purpose of medication synchronization.
4 The fill or refill under this section shall be limited to three
5 times per year for each maintenance medication for a covered
6 individual. For each clinically necessary synchronization
7 thereafter, approval may be required at the discretion of the
8 health insurance plan.

9 § 3903. Denial of coverage.

10 (a) Partial supply.--No individual or group health insurance
11 plan providing prescription drug coverage shall deny coverage
12 for the dispensing of a medication that is dispensed by a
13 network pharmacy on the basis that the dispensing is for a
14 partial supply if the prescriber or pharmacist determines the
15 fill or refill to be in the best interest of the patient and the
16 patient requests or agrees to a partial supply for the purpose
17 of medication synchronization.

18 (b) Denial codes.--The individual or group health insurance
19 plan shall accept early refill and short fill requests for
20 medications dispensed for the purpose of medication
21 synchronization using the submission clarification and message
22 codes as adopted by the National Council for Prescription Drug
23 Programs or alternative codes provided by the individual or
24 group health insurance plan.

25 (c) Compliance.--Nothing in this chapter shall prohibit the
26 individual or group health insurance plan from using other
27 methods to comply with this chapter.

28 § 3904. Certain payment structures prohibited.

29 (a) Prorated dispensing fees.--No individual or group health
30 insurance plan providing prescription drug coverage shall use

1 payment structures incorporating prorated dispensing fees.

2 (b) Full payment.--Dispensing fees for partially filled or
3 refilled prescriptions shall be paid in full for each
4 maintenance medication dispensed, regardless of any prorated
5 copay for the beneficiary or fee paid for alignment services.

6 § 3905. Application of chapter.

7 This chapter does not apply to prescription drugs that are:

8 (1) in-unit of use packaging for which medication
9 synchronization is not possible; or

10 (2) controlled substances classified in Schedule II
11 under section 4(2) of the act of April 14, 1972 (P.L.233,
12 No.64), known as The Controlled Substance, Drug, Device and
13 Cosmetic Act.

14 Section 2. This act shall take effect in 365 days.