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TO: All Senators

FROM: Senator John C. Rafferty, Jr. 

DATE: November 22, 2010

RE: Co-sponsorship- Access to Community Pharmacy Services (#25)



Senate of Pennsylvania

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I will be re-introducing legislation, SB616, that would prohibit insurance companies from requiring the use of mail-order pharmacies as a condition of payment for prescription drugs. **This bill allows the patient to choose either a community pharmacy or a mail order distribution system.**

Last session, the language in Senate Bill 616 was amended into House Bill 838. The language amended into HB 838 reflects changes that were made as a result of meetings held with various stakeholders. As a result of these meetings, my new legislation may exempt DPW's specialty pharmacy services program and the PEBTF from the requirements in this legislation if it is documented to materially increase the costs of providing pharmacy services.

This legislation amends the Insurance Company Law to prohibit knowingly doing any of the following: requiring an insured to obtain drugs from a mail-order pharmacy as a condition of payment for the prescription drugs; imposing a co-payment, fee or other condition upon an insured who is not utilizing a mail-order pharmacy that is not imposed upon insured's utilizing a mail-order pharmacy; subjecting a retail community pharmacy to different terms or conditions compared to mail order pharmacies as it relates to medication quantity, length of script, restriction on refills, or requirement to obtain refills; denying or impairing the right of an insured to determine from where drugs are dispensed, and reimbursing a community pharmacy less than the PBM is billing the payor for covered medications and to deny a verifiable transparent accounting of all rebates, incentives or other materially beneficial considerations affecting such reimbursement concerning the covered medications. This shall apply to insurance policies issued or renewed on or after the effective date.

If you have any questions or wish to co-sponsor this legislation, please contact Sean Moll at smoll@pasen.gov or call 783-0192.

JCR/sgm