

# VIRGINIA ACTS OF ASSEMBLY -- 1995 SESSION

## CHAPTER 446

*An Act to amend and reenact § 38.2-4312.1 of the Code of Virginia, relating to health maintenance organizations; pharmacies; freedom of choice.*

[H 1977]

Approved March 20, 1995

**Be it enacted by the General Assembly of Virginia:**

**1. That § 38.2-4312.1 of the Code of Virginia is amended and reenacted as follows:**

§ 38.2-4312.1. Pharmacies; freedom of choice.

A. Notwithstanding any other provision in this chapter, no health maintenance organization providing health care plans shall prohibit any person receiving pharmaceutical benefits thereunder from selecting, without limitation, the pharmacy of his choice to furnish such benefits. This right of selection extends to and includes pharmacies that are not participating providers under any such health care plan and that agree to accept reimbursement for their services at rates applicable to pharmacies that are participating providers.

B. No such health maintenance organization shall impose upon any person receiving pharmaceutical benefits furnished under any such health care plan:

1. Any copayment, fee or condition that is not equally imposed upon all individuals in the same benefit category, class or copayment level, whether or not such benefits are furnished by pharmacists who are not participating providers;

2. Any monetary penalty that would affect or influence any such person's choice of pharmacy; or

3. Any reduction in allowable reimbursement for pharmacy services related to utilization of pharmacists who are not participating providers.

C. The provisions of this section are not applicable to any health care plan whose terms require exclusive utilization of pharmacies wholly owned and operated by *or exclusively operated for* the health maintenance organization providing the health care plan.

D. The Commission shall have no jurisdiction to adjudicate controversies arising out of this section.