

LD6913288

HOUSE BILL NO. 2490

Offered January 23, 1995

A BILL to amend and reenact § 38.2-4312.1 of the Code of Virginia and to repeal § 38.2-4312.2 of the Code of Virginia, relating to health maintenance organizations; pharmacies and ancillary service providers; freedom of choice.

Patrons—Heilig, Callahan, Hall, Keating, Parrish, Plum, Reynolds, Robinson, Scott, Tata and Watkins;
Senators: Barry, Bell, Holland, C.A., Holland, E.M., Holland, R.J., Nolen, Norment, Reasor, Saslaw and Wampler

Referred to Committee on Corporations, Insurance and Banking

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 prior to rendering a covered pharmacy service to and receiving a payment from an individual covered under the health care plan, notify the health maintenance organization, in writing, of their agreement to accept, as payment in full, reimbursement for their services at rates , including any copayment or deductible imposed under the plan, applicable to pharmacies that are participating providers. In no event shall any person receiving a covered pharmaceutical benefit from a nonparticipating provider be responsible for amounts that may be charged by the nonparticipating provider in excess of the copayment and the health care plan's allowable reimbursement applicable to 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 the health maintenance organization providing the health care plan.

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

2. That § 38.2-4312.2 of the Code of Virginia is repealed.

INTRODUCED

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