
HOUSE BILL 1905

State of Washington 61st Legislature 2009 Regular Session

By Representatives Morrell, Moeller, Seaquist, Conway, and Santos

Read first time 02/02/09. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to insurance coverage of pharmacy services; adding
2 new sections to chapter 48.43 RCW; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature intends to facilitate health
5 care insurers to have open pharmacy networks. Insurers that contract
6 with pharmacies must offer arrangements that provide comparable terms
7 and conditions to all pharmacies that are willing to meet those terms
8 and conditions. Insurers may not impose upon a beneficiary a copay,
9 deductible, coinsurance, or prescription quantity limit that is not
10 imposed upon all beneficiaries in the plan. Pharmacy services are
11 known to be a necessary component in the overall health care system.
12 Therefore, the legislature intends to promote access to ensure the
13 citizens of Washington state can easily obtain their pharmacy services.

14 NEW SECTION. **Sec. 2.** Except for health plans under the health
15 care authority or the public employees' benefits board, every health
16 plan delivered, issued for delivery, or renewed by a health carrier on
17 and after January 1, 2010, that provides for payment of all or a

1 portion of prescription costs, or reimbursement of prescription costs,
2 must:

3 (1) Not limit the purchase of prescription medicines to specific
4 pharmacies;

5 (2) Not discriminate between different providers of pharmacy
6 services; and

7 (3) Not prohibit a qualified provider of pharmacy services from
8 becoming a provider under the policy if the applicant pharmacy
9 indicates a desire to be recognized as a provider.

10 NEW SECTION. **Sec. 3.** Section 2 of this act does not apply to:

11 (1) A provider of pharmacy services if that provider cannot or will
12 not meet all of the applicable terms and conditions of the policy
13 contract; or

14 (2) A health maintenance organization that provides pharmaceutical
15 services through pharmacists it employs at pharmacies it owns. A
16 health maintenance organization is exempt in geographic areas in which
17 it owns the pharmacy or pharmacies, but is not exempt in other
18 geographic areas in which the health maintenance organization does not
19 provide pharmacy services through its own pharmacy and employees.

20 NEW SECTION. **Sec. 4.** (1) A health carrier, as defined in this
21 chapter, who violates section 2 of this act or a rule adopted under
22 that section may be subject to a penalty of not less than one thousand
23 dollars nor more than fifty thousand dollars for each violation,
24 payable to the health services account.

25 (2) A person may bring action against a carrier to recover damages
26 suffered as the result of a violation of section 2 of this act or a
27 rule adopted under that section. Proof of a violation constitutes
28 prima facie evidence of damages.

29 NEW SECTION. **Sec. 5.** Sections 1 through 4 of this act are each
30 added to chapter 48.43 RCW.

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