

ESSB 5441 - H COMM AMD

By Committee on Health Care & Wellness

ADOPTED AS AMENDED 4/14/2015

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 48.43
4 RCW to read as follows:

5 (1) A health benefit plan issued or renewed after December 31,
6 2015, that provides coverage for prescription drugs must implement a
7 medication synchronization policy for the dispensing of prescription
8 drugs to the plan's enrollees.

9 (a) If an enrollee requests medication synchronization for a new
10 prescription, the health plan must permit filling the drug: (i) For
11 less than a one-month supply of the drug if synchronization will
12 require more than a fifteen-day supply of the drug; or (ii) for more
13 than a one-month supply of the drug if synchronization will require a
14 fifteen-day supply of the drug or less.

15 (b) The health plan must establish a daily cost-sharing rate and
16 apply it to a prescription presented to a network pharmacy for a
17 covered drug that is dispensed for more or less than a one-month
18 supply if the drug is in the form of a solid oral dose. This
19 requirement does not apply to: (i) Solid oral doses of antibiotics;
20 or (ii) solid oral doses that are dispensed in their original
21 container or are customarily dispensed in their original packaging to
22 assist patients with compliance.

23 (c) In the case of a drug that would incur a copayment, the
24 health plan must apply cost-sharing as calculated by multiplying the
25 applicable daily cost-sharing rate by the days' supply actually
26 dispensed when the enrollee receives more or less than a one-month
27 supply. In the case of a drug that would incur a coinsurance
28 percentage, the health plan must apply the coinsurance percentage for
29 the drug to the days' supply actually dispensed.

30 (2) Upon request of an enrollee, the prescribing provider or
31 pharmacist shall:

1 (a) Determine that filling or refilling the prescription is in
2 the best interest of the enrollee, taking into account the
3 appropriateness of synchronization for the drug being dispensed;

4 (b) Inform the enrollee that the prescription will be filled to
5 less than the standard refill amount for the purpose of synchronizing
6 his or her medications; and

7 (c) Deny synchronization on the grounds of threat to patient
8 safety or suspected fraud or abuse.

9 (3) For purposes of this section, the following terms have the
10 following meanings unless the context clearly requires otherwise:

11 (a) "Daily cost-sharing rate" means, as applicable, the
12 established: (i) Monthly copayment under the enrollee's plan, divided
13 by the number of days in a one-month supply for the drug dispensed
14 and rounded to the nearest cent; or (ii) coinsurance percentage under
15 the enrollee's plan.

16 (b) "Medication synchronization" means the coordination of
17 medication refills for a patient taking two or more medications for a
18 chronic condition such that the patient's medications are refilled on
19 the same schedule for a given time period.

20 (c) "Prescription" has the same meaning as in RCW 18.64.011.

21 NEW SECTION. **Sec. 2.** A new section is added to chapter 41.05
22 RCW to read as follows:

23 (1) A health benefit plan offered to public employees and their
24 covered dependents under this chapter that is not subject to chapter
25 48.43 RCW, that is issued or renewed after December 31, 2015, and
26 that provides coverage for prescription drugs must implement a
27 medication synchronization policy for the dispensing of prescription
28 drugs to the plan's enrollees.

29 (a) If an enrollee requests medication synchronization for a new
30 prescription, the health plan must permit filling the drug: (i) For
31 less than a one-month supply of the drug if synchronization will
32 require more than a fifteen-day supply of the drug; or (ii) for more
33 than a one-month supply of the drug if synchronization will require a
34 fifteen-day supply of the drug or less.

35 (b) The health plan must establish a daily cost-sharing rate and
36 apply it to a prescription presented to a network pharmacy for a
37 covered drug that is dispensed for more or less than a one-month
38 supply if the drug is in the form of a solid oral dose. This
39 requirement does not apply to: (i) Solid oral doses of antibiotics;

1 or (ii) solid oral doses that are dispensed in their original
2 container or are customarily dispensed in their original packaging to
3 assist patients with compliance.

4 (c) In the case of a drug that would incur a copayment, the
5 health plan must apply cost-sharing as calculated by multiplying the
6 applicable daily cost-sharing rate by the days' supply actually
7 dispensed when the enrollee receives more or less than a one-month
8 supply. In the case of a drug that would incur a coinsurance
9 percentage, the health plan must apply the coinsurance percentage for
10 the drug to the days' supply actually dispensed.

11 (2) Upon request of an enrollee, the prescribing provider or
12 pharmacist shall:

13 (a) Determine that filling or refilling the prescription is in
14 the best interest of the enrollee, taking into account the
15 appropriateness of synchronization for the drug being dispensed;

16 (b) Inform the enrollee that the prescription will be filled to
17 less than the standard refill amount for the purpose of synchronizing
18 his or her medications; and

19 (c) Deny synchronization on the grounds of threat to patient
20 safety or suspected fraud or abuse.

21 (3) For purposes of this section, the following terms have the
22 following meanings unless the context clearly requires otherwise:

23 (a) "Daily cost-sharing rate" means, as applicable, the
24 established: (i) Monthly copayment under the enrollee's plan, divided
25 by the number of days in a one-month supply for the drug dispensed
26 and rounded to the nearest cent; or (ii) coinsurance percentage under
27 the enrollee's plan.

28 (b) "Medication synchronization" means the coordination of
29 medication refills for a patient taking two or more medications for a
30 chronic condition such that the patient's medications are refilled on
31 the same schedule for a given time period.

32 (c) "Prescription" has the same meaning as in RCW 18.64.011."

33 Correct the title.

EFFECT: Requires that if an enrollee requests medication
synchronization for a new prescription, the health plan must permit
filling the drug: (1) for less than a one-month supply if
synchronization will require more than a 15-day supply of the drug;
or (2) for more than a one-month supply if synchronization will
require a 15-day supply of the drug or less.

Removes the requirement that the plan adjust cost-sharing for a drug with a coinsurance that is dispensed for less than the standard refill amount for the purpose of synchronizing medications. Requires instead that the plan establish a daily cost-sharing rate and apply it to a prescription presented to a network pharmacy for a covered drug that is dispensed for more or less than a one-month supply if the drug is in the form of a solid oral dose. Exempts from this requirement solid oral doses of antibiotics and solid oral doses that are dispensed in their original container or are customarily dispensed in their original packaging to assist patients with compliance.

Requires, for drugs that would incur a copayment, that the plan apply cost-sharing as calculated by multiplying the daily cost-sharing rate by the days' supply actually dispensed when the enrollee receives more or less than a one-month supply. Requires, for drugs that would incur a coinsurance percentage, that the plan apply the coinsurance percentage to the days' supply actually dispensed.

Defines "daily cost-sharing rate" as the established monthly copayment under the plan, divided by the number of days in a one-month supply for the drug and rounded to the nearest cent, or the coinsurance percentage under the plan.

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