## SB 97 - AS INTRODUCED

### 2021 SESSION

21-0407 08/06

| SENATE BILL | 97 |
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AN ACT adopting omnibus legislation relative to health insurance.

SPONSORS: Sen. Hennessey, Dist 1

COMMITTEE: Health and Human Services

## ANALYSIS

This bill adopts legislation:

- I. Relative to direct primary care referral parity.
- II. Relative to in-network retail pharmacies.

Explanation:Matter added to current law appears in **bold italics.**Matter removed from current law appears [in brackets and struckthrough.]Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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#### STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT adopting omnibus legislation relative to health insurance.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Sponsorship. This act consists of the following proposed legislation:  $\mathbf{2}$ Part I. LSR 21-0407, relative to direct primary care referral parity, sponsored by Sen. 3 Hennessey, Prime/Dist 1; Sen. Sherman, Dist 24; Rep. Umberger, Carr 2; Rep. Marsh, Carr 8; and Rep. Woods, Merr 23. 4 Part II. LSR 21-1017, relative to in-network retail pharmacies, sponsored by Sen.  $\mathbf{5}$ 6 Hennessey, Prime/Dist 1; Sen. Rosenwald, Dist 13; Sen. Soucy, Dist 18; and Rep. Merchant, Sull 4. 7 2 Legislation Enacted. The general court hereby enacts the following legislation: 8 PART I 9 Relative to direct primary care referral parity. 101 New Section; Primary Care Referral Parity. Amend RSA 420-J by inserting after section 6-e 11 the following new section: 12420-J:6-f Referrals and Orders from Direct Primary Care Providers. A health benefit plan 13under this chapter shall not deny or reduce payment for any health care service covered under an 14enrollee's health plan based solely on the basis that the enrollee's referral was made by a direct primary care provider fully compliant with the provisions of RSA 329:1-e who is not a member of the 1516carrier's provider network, provided it would have covered the same services if ordered by an in-17network provider, subject to the following limitations: 18I. No payment shall be made to the direct primary care provider for primary care services 19covered by the direct primary care agreement pursuant to RSA 329:1-e, II(f). 20II. An insurer shall not apply a deductible, coinsurance, or copayment greater than the 21applicable deductible, coinsurance, or copayment that would apply to the same health care service if 22the service was referred or ordered by an in-network participating primary care provider. 23III. An insurer may require the direct primary care provider to file a written attestation or a 24copy of the direct primary care agreement to demonstrate that the provider is a direct primary care 25provider. 26IV. Payments made may be subject to utilization review by the insurer, if they would have 27been subject to such review if ordered by an in-network provider. 28V. The covered person shall retain the right to choose direct primary care on an elective, 29self-pay basis; no entity regulated under this chapter shall prohibit a direct primary care provider 30 from continuing care on an elective, self-pay basis.

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| 1        | VI. Direct primary care providers shall not be required to contract as participating providers       |
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| <b>2</b> | in any network.  |
| 3        | 2 Effective Date. Part I of this act shall take effect January 1, 2022.                              |
| 4        | PART II  |
| <b>5</b> | Relative to in-network retail pharmacies.  |
| 6        | 1 New Section; Pharmacy Benefits Managers; Prohibited Acts. Amend RSA 402-N by inserting             |
| 7        | after section 4 the following new section:   |
| 8        | 402-N:4-a Prohibited Acts. A pharmacy benefit manager shall not, either directly or indirectly:      |
| 9        | I. Prohibit an in-network retail pharmacy from:  |
| 10       | (a) Mailing or delivering a prescription drug to an enrollee as a service of the in-network          |
| 11       | retail pharmacy.   |
| 12       | (b) Charging a shipping or handling fee to an enrollee who requests that the in-network              |
| 13       | retail pharmacy mail or deliver a prescription drug to the enrollee.                                 |
| 14       | (c) Offering the services described in subparagraph I(a) to an enrollee.                             |
| 15       | II. Charge an enrollee who uses an in-network retail pharmacy that offers to mail or deliver         |
| 16       | a prescription drug to an enrollee a fee or copayment that is higher than the fee or copayment the   |
| 17       | enrollee would pay if the enrollee used an in-network retail pharmacy that does not offer to mail or |
| 18       | deliver a prescription drug to an enrollee.  |
| 19       | 2 Effective Date. Part II of this act shall take effect 60 days after its passage.                   |