

CHAPTER 150
SB 422 – FINAL VERSION

03/27/14 1069s

2014 SESSION

14-2861
01/09

SENATE BILL **422**

AN ACT relative to the definition of pharmacy benefit manager.

SPONSORS: Sen. Soucy, Dist 18; Rep. Schlachman, Rock 18; Rep. K. Williams, Hills 4

COMMITTEE: Commerce

ANALYSIS

This bill inserts a definition of pharmacy benefit manager into the statutes.

This bill is a result of the committee to study the regulation of pharmacy benefit managers established under 2013, 182.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the definition of pharmacy benefit manager.

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

1 150:1 Managed Care Law; Definition Added. Amend RSA 420-J:3, XXVIII-a to read as follows:

2 XXVIII-a. ***“Pharmacy benefits manager” means a person who performs pharmacy***
3 ***benefits management services, including a person acting on behalf of a pharmacy benefits***
4 ***manager in a contractual or employment relationship in the performance of pharmacy***
5 ***benefits management services for a covered entity. “Pharmacy benefits manager” shall not***
6 ***include a health insurer licensed in this state if the health insurer or its subsidiary is***
7 ***providing pharmacy benefits management services exclusively to its own insureds, or a***
8 ***private single employer self-funded plan that provides such benefits or services directly to***
9 ***its beneficiaries. “Pharmacy benefits management” means the administration of***
10 ***prescription drug benefits provided by a covered entity under the terms and conditions of***
11 ***the contract between the pharmacy benefits manager and the covered entity and the***
12 ***provision of mail order pharmacy services.***

13 ***XXVIII-aa.*** “Post-service claim” means any claim for a health benefit to which the terms of
14 the plan do not condition receipt of the benefit, in whole or in part, on approval of the benefit in
15 advance of obtaining the medical care or disability benefit. “Post-service claim” shall not include a
16 request for reimbursement made by a provider pursuant to the terms of an agreement between the
17 provider and the health carrier.

18 150:2 Pharmacists and Pharmacies; Definition Added. Amend RSA 318:1, XI-a to read as
19 follows:

20 XI-a. ***“Pharmacy benefits manager” means any person or entity as defined in RSA***
21 ***420-J:3, XXVIII-a.***

22 ***XI-aa.*** “Pharmacy intern” means a person who is registered by the board pursuant to RSA
23 318:15-b and:

24 (a) Is enrolled in a professional degree program of a school or college of pharmacy that
25 has been approved by the board and is satisfactorily progressing toward meeting the requirements
26 for licensure as a pharmacist starting no earlier than 4 months prior to the third year of study; or

27 (b) Is a graduate of an approved professional degree program of a school or college of
28 pharmacy or is a graduate who has established educational equivalency by obtaining a Foreign
29 Pharmacy Graduate Examination Committee (FPGEC) Certificate, who is currently licensed by the

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1 board of pharmacy for the purpose of obtaining practical experience as a requirement for licensure as
2 a pharmacist; or

3 (c) Is a qualified applicant awaiting examination for licensure or meeting board
4 requirements for re-licensure; or

5 (d) Is participating in a residency or fellowship program.

6 150:3 Effective Date. This act shall take effect 60 days after its passage.

7 Approved: June 16, 2014

8 Effective Date: August 15, 2014