

HB 172 - AS INTRODUCED

2023 SESSION

23-0709

05/04

HOUSE BILL

**172**

AN ACT                   relative to investigating potential redundancies between the prescription drug affordability board and existing state agency programs regarding prescription drug cost data.

SPONSORS:           Rep. Edwards, Rock. 31; Rep. Leishman, Hills. 33

COMMITTEE:       Commerce and Consumer Affairs

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ANALYSIS

This bill:

I. Directs the department of administrative services, the insurance department, and the department of health and human services to review potential redundancies between existing programs and the prescription drug affordability board.

II. Directs the oversight committee on health and human services to undertake a similar review of the prescription drug affordability board.

III. Suspends certain statutory authority of the board for fiscal year 2024.

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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                          Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Three*

AN ACT                    relative to investigating potential redundancies between the prescription drug affordability board and existing state agency programs regarding prescription drug cost data.

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

1            1 Findings. The general court finds that:

2            I. The New Hampshire prescription drug affordability board (PDAB) was established by the  
3 legislature during the COVID-19 pandemic without the benefit of full legislative review or public  
4 hearing. Specifically, the New Hampshire house of representatives was unable to hold a public  
5 hearing on the board's creation.

6            II. The goal of the initial legislation was laudable, to attempt to address the high costs of  
7 prescription drugs purchased by the state, counties, cities and towns. However, the New Hampshire  
8 legislation was substantively identical to the 2019 Maine law which was based on model legislation  
9 and has produced little to no progress in controlling prescription drug costs.

10           III. Additionally, the PDAB created redundancies with several currently funded and  
11 successfully functioning state and federal programs focused on prescription drug costs. Much of the  
12 PDAB operations create unnecessary duplication and spending along with a new quasi state agency.

13           2 Investigation of Potential Redundancies; Report by the Department of Administrative  
14 Services, Insurance Department, and Department of Health and Human Services.

15           I. The department of administrative services, the insurance department, and the  
16 department of health and human services shall undertake an investigation of potential redundancies  
17 between the prescription drug affordability board, established in RSA 126-BB, and existing state  
18 agency programs regarding prescription drug cost data.

19           II. The commissioners or their designees shall review existing state and federal programs  
20 and resources including, but not limited to, the reverse auction process and other features of the  
21 department of administrative services' New Hampshire prescription drug competitive marketplace  
22 (RSA 21-I:96 – RSA 21-I:98) and existing prescription drug cost data collection and reporting  
23 requirements. The data collection and reporting requirements to be reviewed shall include, but not  
24 limited to, the New Hampshire comprehensive health information system (CHIS) (RSA 420-G:11-a)  
25 and provisions in the federal Consolidated Appropriations Act of 2021 that require data submission  
26 and public reporting on prescription drug costs. The departments' review shall also include  
27 consideration of whether additional resources or enhanced duties at the state level are necessary for  
28 the purpose of increasing transparency to help state and local government payers better manage  
29 their prescription drug costs.

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1           III. The departments shall submit the results of their coordinated review, including any  
2 recommendations for legislation, to the speaker of the house of representatives, president of the  
3 senate, and the chairperson of the oversight committee on health and human services by November  
4 1, 2023.

5           3 Prescription Drug Affordability Board; Study by the Oversight Committee on Health and  
6 Human Services. In conjunction with review by the executive agencies under section 2 of this act,  
7 the oversight committee on health and human services established in RSA 126-A:13 shall review the  
8 operation and efficacy of the prescription drug affordability board. The study shall include, but not  
9 be limited to, consideration of any structural inconsistencies; redundancies with existing, funded and  
10 successfully functioning state and federal programs focused on increasing transparency and lowering  
11 prescription drug costs; questions concerning the need, source, and scope of funding for the board's  
12 professional staff, office space, consultants and experts; board governance and members' potential  
13 conflicts of interest; the board's authority to sell access to and use of the health data required to be  
14 filed confidentially with the board; the board's potential circumvention of the public's right to know  
15 in order to receive expert testimony in private; and the apparent lack of any meaningful progress on  
16 lowering prescription drug costs during the board's 2 years of existence. The board shall provide its  
17 findings and recommendations in the board's biennial report which shall be filed no later than  
18 November 1, 2024.

19           4 Suspension of Certain Authority. The provisions of RSA 126-BB:5, directing the board to  
20 create prescription drug spending targets for the state, counties, cities and towns and making  
21 certain changes to state, county, city and town public employee prescription drug benefits, and the  
22 provisions of RSA 126-BB:8, imposing fees and assessments, are hereby suspended for the fiscal year  
23 ending June 30, 2024, in order to provide time for the review required by section 2 and consideration  
24 of the report and any necessary action by the legislature.

25           5 Effective Date. This act shall take effect upon its passage.