

HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Jodeh

1 Amend printed bill, page 3, line 3, strike "(2.5) and (4.5)" and substitute
2 "(2.5), (4.5), and (4.7)".

3 Page 4, line 3, after "RULES." add "THIS REGISTRATION REQUIREMENT
4 APPLIES TO ALL PBMS DOING BUSINESS IN THIS STATE, INCLUDING A PBM
5 THAT ADMINISTERS OR MANAGES PRESCRIPTION DRUG BENEFITS,
6 INCLUDING CLAIMS PROCESSING SERVICES AND OTHER PRESCRIPTION DRUG
7 OR DEVICE SERVICES, ON BEHALF OF ANY SELF-FUNDED PLAN THAT
8 PROVIDES PRESCRIPTION DRUG BENEFITS TO RESIDENTS OF THIS STATE."

9 Page 4, line 4, after "(b)" insert "(I)".

10 Page 4, after line 7 insert:

11 "(II) THE COMMISSIONER MAY DENY A REGISTRATION TO A PBM;
12 SUSPEND, REVOKE, OR REFUSE TO ISSUE, CONTINUE, OR RENEW THE
13 REGISTRATION OF A PBM; OR ISSUE A CEASE-AND-DESIST ORDER TO A
14 PBM IF, AFTER NOTICE TO THE PBM AND AFTER A HEARING HELD IN
15 ACCORDANCE WITH SECTIONS 24-4-104 AND 24-4-105, THE COMMISSIONER
16 FINDS THAT THE PBM, OR AN OFFICER, DIRECTOR, OR EMPLOYEE OF THE
17 PBM, HAS:

18 (A) MADE A MATERIAL MISSTATEMENT, MISREPRESENTATION, OR
19 OMISSION IN A REGISTRATION OR REGISTRATION RENEWAL APPLICATION;

20 (B) FRAUDULENTLY OR DECEPTIVELY OBTAINED OR ATTEMPTED
21 TO OBTAIN A REGISTRATION OR RENEWAL OF A REGISTRATION;

22 (C) IN CONNECTION WITH THE ADMINISTRATION OF PRESCRIPTION
23 DRUG BENEFITS MANAGEMENT SERVICES, COMMITTED FRAUD OR ENGAGED
24 IN ILLEGAL OR DISHONEST ACTIVITIES; OR

25 (D) VIOLATED ANY PROVISION OF THIS TITLE 10.

26 (III) A DETERMINATION OF THE COMMISSIONER IS A FINAL AGENCY
27 ACTION SUBJECT TO JUDICIAL REVIEW PURSUANT TO SECTION 24-4-106."

28 Page 4, after line 19 insert:

29 "(4.7) THE COMMISSIONER MAY ADOPT RULES TO IMPLEMENT AND
30 ENFORCE THIS SECTION."

31 Page 4, line 20, after "10-16-122.3," insert "**amend** (4); and".

32 Page 4, line 24, strike "(5.5)" and substitute "(4) The division may
33 promulgate rules TO IMPLEMENT AND ENFORCE THIS SECTION, INCLUDING

1 RULES to establish the manner in which carriers and pharmacy benefit
2 management firms are required to show compliance with this section.
3 (5.5)".

4 Page 5, line 11, after "(5.7)" insert "and (5.9)".

5 Page 5, line 13, strike "**enforcement.**" and substitute "**enforcement -
6 rules.**".

7 Page 5, after line 18 insert:

8 "(5.9) THE COMMISSIONER MAY ADOPT RULES TO IMPLEMENT AND
9 ENFORCE THIS SECTION."

10 Page 5, line 20, strike "(4)" and substitute "(4); and **add (6)**".

11 Page 5, line 23, strike "**law.**" and substitute "**law - rules.**".

12 Page 6, after line 5 insert:

13 "(6) THE COMMISSIONER MAY ADOPT RULES TO IMPLEMENT AND
14 ENFORCE THIS SECTION."

15 Page 6, line 7, after "(1.5)" insert "and (1.7)".

16 Page 6, line 9, strike "**definitions.**" and substitute "**definitions - rules.**".

17 Page 6, after line 13 insert:

18 "(1.7) THE COMMISSIONER MAY ADOPT RULES TO IMPLEMENT AND
19 ENFORCE THIS SECTION."

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