

Chapter 206, P.L. 2015

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ASSEMBLY, No. 3331

STATE OF NEW JERSEY

216th LEGISLATURE

INTRODUCED JUNE 5, 2014

Sponsored by:

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District 14 (Mercer and Middlesex)

Assemblywoman MARIA RODRIGUEZ-GREGG

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District 34 (Essex and Passaic)

Senator JAMES BEACH

District 6 (Burlington and Camden)

Co-Sponsored by:

Assemblymen McKeon, Singleton, Senators T.Kean and Stack

SYNOPSIS

Requires health benefits coverage for synchronization of prescribed medications under certain circumstances.

CURRENT VERSION OF TEXT

As reported by the Senate Commerce Committee on October 19, 2015, with amendments.

(Sponsorship Updated As Of: 12/18/2015)

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1 AN ACT concerning health benefits coverage for synchronization of
2 prescribed medications and supplementing various parts of the
3 statutory law.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. a. Every group or individual hospital service corporation
9 contract delivered, issued, executed or renewed in this State, or
10 approved for issuance or renewal in this State on or after the
11 effective date of this act, which provides benefits for pharmacy
12 services, prescription drugs, or for participation in a prescription
13 drug plan shall ¹, on at least one occasion per year for each covered
14 person¹:

15 (1) apply a prorated daily cost-sharing rate to prescriptions that
16 are dispensed by a network pharmacy for less than a 30 days' supply
17 if the prescriber or pharmacist indicates the fill or refill is in the
18 best interest of the covered person or is for the purpose of
19 synchronizing the covered person's chronic medications;

20 (2) provide coverage for a drug prescribed for the treatment of a
21 chronic illness dispensed in accordance with a plan among the
22 covered person, the prescriber and the pharmacist to synchronize
23 the refilling of multiple prescriptions for the covered person; and

24 (3) determine dispensing fees based exclusively on the total
25 number of prescriptions dispensed; dispensing fees shall not be
26 prorated or based on the number of the days' supply of medication
27 prescribed or dispensed.

28 b. This section shall apply to all contracts in which the hospital
29 service corporation has reserved the right to change the premium.

30 ¹c. This section shall not apply to prescriptions for opioid
31 analgesics. "Opioid analgesic" means a drug in the opioid analgesic
32 drug class prescribed to treat moderate to severe pain or other
33 conditions, whether in immediate release or extended release form,
34 and whether or not combined with other drug substances to form a
35 single drug product or dosage form.¹

36
37 2. a. Every group or individual medical service corporation
38 contract delivered, issued, executed or renewed in this State, or
39 approved for issuance or renewal in this State on or after the
40 effective date of this act, which provides benefits for pharmacy
41 services, prescription drugs, or for participation in a prescription
42 drug plan, shall ¹, on at least one occasion per year for each covered
43 person¹:

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SCM committee amendments adopted October 19, 2015.

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1 (1) apply a prorated daily cost-sharing rate to prescriptions that
2 are dispensed by a network pharmacy for less than a 30 days' supply
3 if the prescriber or pharmacist indicates the fill or refill is in the
4 best interest of the covered person or is for the purpose of
5 synchronizing the covered person's chronic medications;

6 (2) provide coverage for a drug prescribed for the treatment of a
7 chronic illness dispensed in accordance with a plan among the
8 covered person, the prescriber and the pharmacist to synchronize
9 the refilling of multiple prescriptions for the covered person; and

10 (3) determine dispensing fees based exclusively on the total
11 number of prescriptions dispensed; dispensing fees shall not be
12 prorated or based on the number of the days' supply of medication
13 prescribed or dispensed.

14 b. This section shall apply to all contracts in which the medical
15 service corporation has reserved the right to change the premium.

16 ¹c. This section shall not apply to prescriptions for opioid
17 analgesics. "Opioid analgesic" means a drug in the opioid analgesic
18 drug class prescribed to treat moderate to severe pain or other
19 conditions, whether in immediate release or extended release form,
20 and whether or not combined with other drug substances to form a
21 single drug product or dosage form.¹

22
23 3. a. Every group or individual health service corporation
24 contract delivered, issued, executed or renewed in this State, or
25 approved for issuance or renewal in this State on or after the
26 effective date of this act, which provides benefits for pharmacy
27 services, prescription drugs, or for participation in a prescription
28 drug plan, shall ¹, on at least one occasion per year for each covered
29 person¹:

30 (1) apply a prorated daily cost-sharing rate to prescriptions that
31 are dispensed by a network pharmacy for less than a 30 days' supply
32 if the prescriber or pharmacist indicates the fill or refill is in the
33 best interest of the covered person or is for the purpose of
34 synchronizing the covered person's chronic medications;

35 (2) provide coverage for a drug prescribed for the treatment of a
36 chronic illness dispensed in accordance with a plan among the
37 covered person, the prescriber and the pharmacist to synchronize
38 the refilling of multiple prescriptions for the covered person; and

39 (3) determine dispensing fees based exclusively on the total
40 number of prescriptions dispensed; dispensing fees shall not be
41 prorated or based on the number of the days' supply of medication
42 prescribed or dispensed.

43 b. This section shall apply to all contracts in which the health
44 service corporation has reserved the right to change the premium.

45 ¹c. This section shall not apply to prescriptions for opioid
46 analgesics. "Opioid analgesic" means a drug in the opioid analgesic
47 drug class prescribed to treat moderate to severe pain or other
48 conditions, whether in immediate release or extended release form,

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1 and whether or not combined with other drug substances to form a
2 single drug product or dosage form.¹

3

4 4. a. Every individual health insurance policy or contract
5 delivered, issued, executed or renewed in this State, or approved for
6 issuance or renewal in this State on or after the effective date of this
7 act, which provides benefits for pharmacy services, prescription
8 drugs, or for participation in a prescription drug plan, shall ¹, on at
9 least one occasion per year for each covered person¹:

10 (1) apply a prorated daily cost-sharing rate to prescriptions that
11 are dispensed by a network pharmacy for less than a 30 days' supply
12 if the prescriber or pharmacist indicates the fill or refill is in the
13 best interest of the covered person or is for the purpose of
14 synchronizing the covered person's chronic medications;

15 (2) provide coverage for a drug prescribed for the treatment of a
16 chronic illness dispensed in accordance with a plan among the
17 covered person, the prescriber and the pharmacist to synchronize
18 the refilling of multiple prescriptions for the covered person; and

19 (3) determine dispensing fees based exclusively on the total
20 number of prescriptions dispensed; dispensing fees shall not be
21 prorated or based on the number of the days' supply of medication
22 prescribed or dispensed.

23 b. This section shall apply to all policies in which the insurer
24 has reserved the right to change the premium.

25 ¹c. This section shall not apply to prescriptions for opioid
26 analgesics. "Opioid analgesic" means a drug in the opioid analgesic
27 drug class prescribed to treat moderate to severe pain or other
28 conditions, whether in immediate release or extended release form,
29 and whether or not combined with other drug substances to form a
30 single drug product or dosage form.¹

31

32 5. a. Every group health insurance policy or contract delivered,
33 issued, executed or renewed in this State, or approved for issuance
34 or renewal in this State on or after the effective date of this act,
35 which provides benefits for pharmacy services, prescription drugs,
36 or for participation in a prescription drug plan, shall ¹, on at least
37 one occasion per year for each covered person¹:

38 (1) apply a prorated daily cost-sharing rate to prescriptions that
39 are dispensed by a network pharmacy for less than a 30 days' supply
40 if the prescriber or pharmacist indicates the fill or refill is in the
41 best interest of the covered person or is for the purpose of
42 synchronizing the covered person's chronic medications;

43 (2) provide coverage for a drug prescribed for the treatment of a
44 chronic illness dispensed in accordance with a plan among the
45 covered person, the prescriber and the pharmacist to synchronize
46 the refilling of multiple prescriptions for the covered person; and

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1 (3) determine dispensing fees based exclusively on the total
2 number of prescriptions dispensed; dispensing fees shall not be
3 prorated or based on the number of the days' supply of medication
4 prescribed or dispensed.

5 b. This section shall apply to all policies in which the insurer
6 has reserved the right to change the premium.

7 ¹c. This section shall not apply to prescriptions for opioid
8 analgesics. "Opioid analgesic" means a drug in the opioid analgesic
9 drug class prescribed to treat moderate to severe pain or other
10 conditions, whether in immediate release or extended release form,
11 and whether or not combined with other drug substances to form a
12 single drug product or dosage form.¹

13
14 6. a. Every certificate of authority to establish and operate a
15 health maintenance organization in this State issued, continued or
16 renewed in this State, or approved for issuance, continuation or
17 renewal in this State on or after the effective date of this act, which
18 provides benefits for pharmacy services, prescription drugs, or for
19 participation in a prescription drug plan, shall ¹, on at least one
20 occasion per year for each covered person¹:

21 (1) apply a prorated daily cost-sharing rate to prescriptions that
22 are dispensed by a network pharmacy for less than a 30 days' supply
23 if the prescriber or pharmacist indicates the fill or refill is in the
24 best interest of the covered person or is for the purpose of
25 synchronizing the covered person's chronic medications;

26 (2) provide coverage for a drug prescribed for the treatment of a
27 chronic illness dispensed in accordance with a plan among the
28 covered person, the prescriber and the pharmacist to synchronize
29 the refilling of multiple prescriptions for the covered person; and

30 (3) determine dispensing fees based exclusively on the total
31 number of prescriptions dispensed; dispensing fees shall not be
32 prorated or based on the number of the days' supply of medication
33 prescribed or dispensed.

34 b. This section shall apply to all enrollee agreements in which
35 the health maintenance organization has reserved the right to
36 change the schedule of charges.

37 ¹c. This section shall not apply to prescriptions for opioid
38 analgesics. "Opioid analgesic" means a drug in the opioid analgesic
39 drug class prescribed to treat moderate to severe pain or other
40 conditions, whether in immediate release or extended release form,
41 and whether or not combined with other drug substances to form a
42 single drug product or dosage form.¹

43
44 7. a. Every individual health benefits plan delivered, issued,
45 executed or renewed in this State pursuant to P.L.1992, c.161
46 (C.17B:27A-2 et seq.), or approved for issuance or renewal in this
47 State on or after the effective date of this act, which provides

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1 benefits for pharmacy services, prescription drugs, or for
2 participation in a prescription drug plan, shall ¹, on at least one
3 occasion per year for each covered person¹:

4 (1) apply a prorated daily cost-sharing rate to prescriptions that
5 are dispensed by a network pharmacy for less than a 30 days' supply
6 if the prescriber or pharmacist indicates the fill or refill is in the
7 best interest of the covered person or is for the purpose of
8 synchronizing the covered person's chronic medications;

9 (2) provide coverage for a drug prescribed for the treatment of a
10 chronic illness dispensed in accordance with a plan among the
11 covered person, the prescriber and the pharmacist to synchronize
12 the refilling of multiple prescriptions for the covered person; and

13 (3) determine dispensing fees based exclusively on the total
14 number of prescriptions dispensed; dispensing fees shall not be
15 prorated or based on the number of the days' supply of medication
16 prescribed or dispensed.

17 b. This section shall apply to all health benefits plans in which
18 the carrier has reserved the right to change the premium.

19 ¹c. This section shall not apply to prescriptions for opioid
20 analgesics. "Opioid analgesic" means a drug in the opioid analgesic
21 drug class prescribed to treat moderate to severe pain or other
22 conditions, whether in immediate release or extended release form,
23 and whether or not combined with other drug substances to form a
24 single drug product or dosage form.¹

25
26 8. a. Every small employer health benefits plan delivered,
27 issued, executed or renewed in this State pursuant to P.L.1992,
28 c.162 (C.17B:27A-17 et seq.), or approved for issuance or renewal
29 in this State on or after the effective date of this act, which provides
30 benefits for pharmacy services, prescription drugs, or for
31 participation in a prescription drug plan, shall ¹, on at least one
32 occasion per year for each covered person¹:

33 (1) apply a prorated daily cost-sharing rate to prescriptions that
34 are dispensed by a network pharmacy for less than a 30 days' supply
35 if the prescriber or pharmacist indicates the fill or refill is in the
36 best interest of the covered person or is for the purpose of
37 synchronizing the covered person's chronic medications;

38 (2) provide coverage for a drug prescribed for the treatment of a
39 chronic illness dispensed in accordance with a plan among the
40 covered person, the prescriber and the pharmacist to synchronize
41 the refilling of multiple prescriptions for the covered person; and

42 (3) determine dispensing fees based exclusively on the total
43 number of prescriptions dispensed; dispensing fees shall not be
44 prorated or based on the number of the days' supply of medication
45 prescribed or dispensed.

46 b. This section shall apply to all health benefits plans in which
47 the carrier has reserved the right to change the premium.

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1 ¹c. This section shall not apply to prescriptions for opioid
2 analgesics. “Opioid analgesic” means a drug in the opioid analgesic
3 drug class prescribed to treat moderate to severe pain or other
4 conditions, whether in immediate release or extended release form,
5 and whether or not combined with other drug substances to form a
6 single drug product or dosage form.¹

7
8 9. The State Health Benefits Commission shall ensure that
9 every contract under the State Health Benefits Program purchased
10 on or after the effective date of this act, which provides benefits for
11 pharmacy services, prescription drugs, or for participation in a
12 prescription drug plan, shall ¹, on at least one occasion per year for
13 each covered person¹:

14 (1) apply a prorated daily cost-sharing rate to prescriptions that
15 are dispensed by a network pharmacy for less than a 30 days' supply
16 if the prescriber or pharmacist indicates the fill or refill is in the
17 best interest of the covered person or is for the purpose of
18 synchronizing the covered person's chronic medications;

19 (2) provide coverage for a drug prescribed for the treatment of a
20 chronic illness dispensed in accordance with a plan among the
21 covered person, the prescriber and the pharmacist to synchronize
22 the refilling of multiple prescriptions for the covered person; and

23 (3) determine dispensing fees based exclusively on the total
24 number of prescriptions dispensed; dispensing fees shall not be
25 prorated or based on the number of the days' supply of medication
26 prescribed or dispensed.

27 ¹This section shall not apply to prescriptions for opioid
28 analgesics. “Opioid analgesic” means a drug in the opioid analgesic
29 drug class prescribed to treat moderate to severe pain or other
30 conditions, whether in immediate release or extended release form,
31 and whether or not combined with other drug substances to form a
32 single drug product or dosage form.¹

33
34 10. The School Employees' Health Benefits Commission shall
35 ensure that every contract under the School Employees' Health
36 Benefits Program purchased on or after the effective date of this act,
37 which provides benefits for pharmacy services, prescription drugs,
38 or for participation in a prescription drug plan, shall ¹, on at least
39 one occasion per year for each covered person¹:

40 (1) apply a prorated daily cost-sharing rate to prescriptions that
41 are dispensed by a network pharmacy for less than a 30 days' supply
42 if the prescriber or pharmacist indicates the fill or refill is in the
43 best interest of the covered person or is for the purpose of
44 synchronizing the covered person's chronic medications;

45 (2) provide coverage for a drug prescribed for the treatment of a
46 chronic illness dispensed in accordance with a plan among the

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1 covered person, the prescriber and the pharmacist to synchronize
2 the refilling of multiple prescriptions for the covered person; and

3 (3) determine dispensing fees based exclusively on the total
4 number of prescriptions dispensed; dispensing fees shall not be
5 prorated or based on the number of the days' supply of medication
6 prescribed or dispensed.

7 ¹This section shall not apply to prescriptions for opioid
8 analgesics. "Opioid analgesic" means a drug in the opioid analgesic
9 drug class prescribed to treat moderate to severe pain or other
10 conditions, whether in immediate release or extended release form,
11 and whether or not combined with other drug substances to form a
12 single drug product or dosage form.¹

13

14 11. This act shall take effect on the 180th day next following
15 enactment.