

HOUSE BILL No. 4987

July 17, 2003, Introduced by Reps. Newell, Rocca, Hummel, Gaffney, Ruth Johnson, DeRossett, Koetje, Steil, Woronchak, Pappageorge, Hager, Meyer, Vander Veen, Shaffer, Stewart, Voorhees, Walker, Mortimer, Huizenga, Kooiman, Caul, Lipsey, Casperson, Farhat, Middaugh, Palmer, Nitz, Milosch, Garfield, Emmons, Caswell, Tabor, Stakoe, Wenke, DeRoche, LaJoy, Pastor, Acciavatti, Palsrok, Ward, Stahl, Bradstreet, Plakas, Hart, Shulman, Amos, Nofs, Hune, Julian, Pumford, Van Regenmorter, Howell, Moolenaar, Sheen, Reeves, Hardman, Stallworth, Zelenko, Gielegheem, Phillips, Jamnick, Anderson, Minore, Kolb, LaSata, Tobocman, Meisner, Sheltroun, Shackleton, Robertson, Williams, Brown, Adamini, Rivet, Bieda, Gillard, Murphy, Paletko, Cheeks, Wojno, Hopgood, McConico, Dennis, Hunter, Vagnozzi, Clack, O'Neil, Spade, Byrum, Accavitti, Condino, Law, Richardville and Daniels and referred to the Committee on Health Policy.

A bill to amend 1956 PA 218, entitled

"The insurance code of 1956,"

(MCL 500.100 to 500.8302) by adding section 3406r.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3406r. (1) A health maintenance organization contract
2 and an insurer that delivers, issues for delivery, or renews in
3 this state an expense-incurred hospital, medical, or surgical
4 policy or certificate, that provides benefits, in whole or in
5 part, for maintenance drugs, shall not do any of the following:

6 (a) Restrict or limit the enrollee or insured from receiving
7 the prescription or other pharmacy services from a pharmacy
8 licensed under article 15 of the public health code, 1978 PA 368,
9 MCL 333.16101 to 333.18838, that is physically located in this
10 state.

11 (b) Differentiate reimbursement for pharmacy services between

1 a pharmacy that uses the mail or other common carrier to deliver
2 prescription drugs to or for the enrollee or insured and a
3 pharmacy that delivers prescription drugs in person directly to
4 or for the enrollee or insured.

5 (c) Provide an economic benefit or any other type of
6 incentive including, but not limited to, a difference in
7 prescription co-pay or quantity of drugs for a pharmacy that uses
8 the mail or other common carrier to deliver prescription drugs to
9 or for the enrollee or insured and a pharmacy that delivers
10 prescription drugs in person directly to or for the enrollee or
11 insured.

12 (d) Refuse to reimburse a pharmacy licensed under article 15
13 of the public health code, 1978 PA 368, MCL 333.16101 to
14 333.18838, and physically located in this state that delivers
15 prescription drugs in person directly to or for the enrollee or
16 insured at the pharmacy's cost plus any customary dispensing fee
17 for emergency services to the enrollee or insured if the enrollee
18 or insured has not received prescription drugs in a timely manner
19 from a pharmacy that uses the mail or other common carrier to
20 deliver prescription drugs to or for the enrollee or insured.

21 (2) As used in this section, "maintenance drugs" means
22 prescription drugs used to control an ongoing health condition
23 for an ongoing period of time.