

# HOUSE BILL No. 5437

January 27, 2004, Introduced by Reps. Plakas, Woronchak, Stahl, Vander Veen, Taub, Zelenko, Julian, Wojno, Shaffer, Amos, Steil, Mortimer, Howell, Voorhees, Middaugh, Kooiman, Dennis, Robertson, Pappageorge, Minore, Richardville, Hummel, Nofs, Ehardt, Pumford, Hager, Hart, Garfield, Caul, Stakoe, Woodward, DeRossett, Ruth Johnson, Palmer, Meyer, Shackleton, Koetje, Stewart, Caswell, Nitz, Milosch, Tabor, Farhat, Gaffney, Ward, Hune, Van Regenmorter, Vagnozzi, Spade, O'Neil, Jamnick, Murphy, Moolenaar, Huizenga, Walker and Palsrok and referred to the Committee on Health Policy.

A bill to amend 1980 PA 350, entitled

"The nonprofit health care corporation reform act,"

(MCL 550.1101 to 550.1704) by adding section 416d.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 416d. (1) A health care corporation group or nongroup  
2 certificate that provides for pharmaceutical services is subject  
3 to both of the following:

4       (a) Shall apply the same coinsurance, copayments, and  
5 deductibles to the same strength, quantity, and days' supply of  
6 the same covered prescription drug filled by a pharmacy provider  
7 who participates with or is otherwise under contract with the  
8 health care corporation or a pharmaceutical network or panel used  
9 by the health care corporation and who has agreed to the  
10 contract's terms, conditions, explicit product cost  
11 determination, and dispensing or other service fees.

1 (b) Shall not set a limit on the quantity of drugs or days'  
2 supply of drugs that a member may obtain at any 1 time, unless  
3 the limit is applied uniformly to all pharmacy providers who  
4 participate with or are otherwise under contract with the health  
5 care corporation or a pharmaceutical network or panel used by the  
6 health care corporation and who have agreed to the contract's  
7 terms, conditions, explicit product cost determination, and  
8 dispensing or other service fees.

9 (2) This section does not prohibit a health care corporation  
10 from applying different coinsurance, copayment, and deductible  
11 factors between generic and brand name drugs and between  
12 formulary and nonformulary drugs.

13 Enacting section 1. This amendatory act takes effect April  
14 1, 2004 and applies to certificates delivered, issued for  
15 delivery, or renewed on or after April 1, 2004.

16 Enacting section 2. This amendatory at does not take effect  
17 unless all of the following bills of the 92nd Legislature are  
18 enacted into law:

19 (a) Senate Bill No. \_\_\_\_ or House Bill No. 5438 (request  
20 no. 04344'03).

21 (b) Senate Bill No. \_\_\_\_ or House Bill No. 5436 (request  
22 no. 05814'03).

23 (c) Senate Bill No. \_\_\_\_ or House Bill No. 5435 (request  
24 no. 05887'03).

25 (d) House Bill No. 4987.