

SENATE BILL No. 525

May 23, 2007, Introduced by Senators KAHN, ANDERSON, JANSEN, SWITALSKI, PAPPAGEORGE and BIRKHOLZ and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 9721.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 9721. (1) THE DEPARTMENT SHALL CREATE AND OPERATE A
2 PRESCRIPTION DRUG WEBSITE TO EDUCATE CONSUMERS ABOUT THE PRICE OF
3 CERTAIN PRESCRIPTION DRUGS AND TO PROVIDE LINKS TO OTHER HELPFUL
4 WEBSITES INCLUDING, BUT NOT LIMITED TO, THOSE WEBSITES THAT MAY
5 ASSIST AND EDUCATE CONSUMERS ON THE AVAILABILITY OF PUBLIC AND
6 PRIVATE PROGRAMS THAT, IN COMPLIANCE WITH FEDERAL AND STATE RULES
7 AND REGULATIONS, OFFER ACCESS TO DISCOUNTED OR FREE PRESCRIPTION
8 DRUGS.

9 (2) THE DEPARTMENT SHALL INCLUDE ALL OF THE FOLLOWING ON THE

1 PRESCRIPTION DRUG WEBSITE:

2 (A) THE 150 MOST COMMONLY PRESCRIBED BRAND NAME PRESCRIPTION
3 DRUGS AS REPORTED BY THIS STATE'S MEDICAL ASSISTANCE PROGRAM.

4 (B) IF NOT INCLUDED UNDER SUBDIVISION (A), THE MOST COMMONLY
5 PRESCRIBED BRAND NAME PRESCRIPTION DRUGS USED FOR THE TREATMENT OF
6 ALL MAJOR ILLNESSES AND DISEASES, AS DETERMINED BY THE DEPARTMENT.

7 (C) IF AVAILABLE, THE GENERIC EQUIVALENTS FOR THE BRAND NAME
8 PRESCRIPTION DRUGS INCLUDED UNDER SUBDIVISIONS (A) AND (B).

9 (D) THE USUAL AND CUSTOMARY PRICE OF EACH PRESCRIPTION DRUG
10 INCLUDED UNDER SUBDIVISIONS (A), (B), AND (C). THE PRICE
11 INFORMATION ON THE WEBSITE SHALL CONSPICUOUSLY DISPLAY ALL OF THE
12 FOLLOWING:

13 (i) IF AVAILABLE, THE GENERIC EQUIVALENTS ASSOCIATED WITH EACH
14 BRAND NAME PRESCRIPTION DRUG.

15 (ii) THE PRICE ATTRIBUTABLE TO EACH BRAND NAME AND GENERIC
16 EQUIVALENT PRESCRIPTION DRUG.

17 (iii) THE DOSAGE, INCLUDING THE NUMBER OF DOSES AND DOSAGE
18 STRENGTH, UPON WHICH THE POSTED PRICE IS BASED.

19 (iv) THE NAME, STREET ADDRESS, AND CITY OR OTHER IDENTIFIABLE
20 LOCATION OF THE PHARMACY AT WHICH THE LISTED PRESCRIPTION DRUG MAY
21 BE PURCHASED AT A POSTED PRICE.

22 (E) A MINIMUM OF 5 LINKS TO OTHER WEBSITES AS DESCRIBED IN
23 SUBSECTION (1).

24 (F) THE DEPARTMENT'S TOLL-FREE TELEPHONE NUMBER CREATED UNDER
25 SUBSECTION (4).

26 (G) AN ADVISORY STATEMENT ALERTING CONSUMERS OF THE NEED TO
27 TELL THEIR HEALTH PROFESSIONAL AND PHARMACIST ABOUT ALL THE

1 MEDICATIONS THEY ARE TAKING TO ASK HOW TO AVOID HARMFUL
2 INTERACTIONS BETWEEN THOSE MEDICATIONS, IF ANY.

3 (3) AT LEAST ONCE A MONTH, THE DEPARTMENT SHALL OBTAIN FROM
4 THE PERSON THAT THE DEPARTMENT HAS CONTRACTED TO SERVE AS ITS
5 PHARMACY BENEFITS MANAGER FOR THIS STATE'S MEDICAL ASSISTANCE
6 PROGRAM THE USUAL AND CUSTOMARY DRUG PRICE AS REPORTED FOR THE MOST
7 COMMONLY PRESCRIBED DRUGS IDENTIFIED PURSUANT TO SUBSECTION (2) (A),
8 (B), AND (C) TO THAT PHARMACY BENEFITS MANAGER BY EACH PHARMACY
9 THAT FILLS OR REFILLS A PRESCRIPTION UNDER THIS STATE'S MEDICAL
10 ASSISTANCE PROGRAM. THE DEPARTMENT SHALL INCLUDE THIS INFORMATION
11 ON THE WEBSITE UNDER THIS SECTION. THIS SUBSECTION DOES NOT REQUIRE
12 A PHARMACY THAT FILLS OR REFILLS A PRESCRIPTION UNDER THIS STATE'S
13 MEDICAL ASSISTANCE PROGRAM TO PROVIDE ANY ADDITIONAL INFORMATION
14 THAN THAT CURRENTLY BEING REPORTED BY THE PHARMACY TO THE PERSON
15 THAT THE DEPARTMENT HAS CONTRACTED TO SERVE AS ITS PHARMACY
16 BENEFITS MANAGER FOR THIS STATE'S MEDICAL ASSISTANCE PROGRAM.

17 (4) THE DEPARTMENT SHALL ESTABLISH AND MAINTAIN A TOLL-FREE
18 TELEPHONE NUMBER THAT A PERSON MAY CALL FOR INFORMATION ON
19 PRESCRIPTION DRUG PROGRAMS AVAILABLE IN THIS STATE, INCLUDING, BUT
20 NOT LIMITED TO, FREE AND DISCOUNTED PRESCRIPTION DRUG PROGRAMS. THE
21 DEPARTMENT MAY UTILIZE AN EXISTING TOLL-FREE TELEPHONE LINE TO
22 SATISFY THIS REQUIREMENT.

23 (5) AS USED IN THIS SECTION, "USUAL AND CUSTOMARY PRICE" MEANS
24 THAT PRICE THAT IS COMPARABLE TO WHAT A PHARMACY WOULD CHARGE A
25 CASH-PAYING CUSTOMER WITHOUT INSURANCE. USUAL AND CUSTOMARY PRICE
26 DOES NOT INCLUDE DISCOUNTS, SPECIAL PROMOTIONS, OR OTHER PROGRAMS
27 INITIATED TO REDUCE PRICES FOR PRODUCT COSTS AVAILABLE TO THE

1 GENERAL PUBLIC OR TO A SPECIAL POPULATION.