

I Mina'Trentai Unu Na Liheslaturan Guahan

Bill Log Sheet

BILL NOS.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	120 DAY DEADLINE	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	Status
410-31 (COR)	D. G. Rodriguez, Jr	AN ACT TO PROVIDE FOR PHARMACY PRICING UNIFORMITY BY HEALTHCARE INSURERS, BY ADDING A NEW ARTICLE 9, TO CHAPTER 18, TITLE 22, GUAM CODE ANNOTATED	01/10/12 3:46 p.m.	1/12/2011		Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land			



COMMITTEE ON RULES

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January 12, 2012

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Judith P. Guthertz, DPA
Acting Chairperson, Committee on Rules

Subject: Referral of Bill No. 410-31(COR)

As the Acting Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. 410-31 (COR).

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Unu na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

(1) Attachment

1 **§18901. Legislative Finding and Intent.** *I Liheslaturan Guåhan* finds that
2 the choice of healthcare consumers to select their preferred pharmacy without
3 undue pressure from healthcare insurers needs to be protected. Further, that there
4 is a need to insure that health insurers are barred from favoring certain types of
5 pharmacies (e.g. mail order) over others (e.g. independent retail pharmacies).

6 It is the intent of *I Liheslaturan Guåhan* to require that copayments,
7 deductibles, and limits on the quantity of drugs that can be dispensed at one time
8 be applied uniformly regardless of the type of pharmacy the consumer chooses.

9 **§18902. Pharmacy providers.**

10 (a) Before entering into an agreement with pharmacy providers, a health
11 care plan must establish terms and conditions that must be met by pharmacy
12 providers desiring to contract with the health care plan. The terms and conditions
13 shall not discriminate against a pharmacy provider. A health care plan may not
14 refuse to contract with a pharmacy provider that meets the terms and conditions
15 established by the health care plan. If a pharmacy provider rejects the terms and
16 conditions established, the health care plan may offer other terms and conditions
17 necessary to comply with network adequacy requirements.

18 (b) A health care plan shall apply the same co-insurance, copayment, and
19 deductible factors to all drug prescriptions filled by a pharmacy provider that
20 participates in the health care plan's network. Nothing in this subsection, however,
21 prohibits a health care plan from applying different co-insurance, copayment, and
22 deductible factors between brand name drugs and generic drugs when a generic
23 equivalent exists for the brand name drug.

1 (c) A health care plan may not set a limit on the quantity of drugs that an
2 enrollee may obtain at one time with a prescription unless the limit is applied
3 uniformly to all pharmacy providers in the health care plan's network.”

4 **§18903. Rules and Regulations; Authorized.** The Banking and Insurance
5 Commissioner *shall*, within 120 days of the enactment of this Act, promulgate any
6 rules and regulations deemed necessary, if any, to implement the provisions of this
7 Article; as provided pursuant to Article 3 [Rule-Making Procedures], Chapter 9
8 [Administrative Adjudication Law], Division 1, Title 5, Guam Code Annotated
9 [Government Operations].”

10 **Section 3. Severability.** *If* any provision of this Act or its application to
11 any person or circumstance is found to be invalid or contrary to law, such
12 invalidity shall *not* affect other provisions or applications of this Act which can be
13 given effect without the invalid provisions or application, and to this end the
14 provisions of this Act are severable.

15 **Section 4. Effective Date.** This Act shall become immediately effective
16 upon enactment.