

Legislative Alert

May 1, 2009

URGENT ACTION NEEDED

Tennessee Pharmacists Association
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SB774 Overbey / HB1110 Shepard – Patient's Right to Prescription Transparency Act of 2009

- **PBMs are working against TPA's bill to allow patient access to prescription pricing information**
- **TPA is urging members of the Tennessee General Assembly to SUPPORT passage of SB774 and HB1110**

UPDATE: HB1110 will be considered in the House Commerce Committee on Tuesday, May 5, at 9:15 a.m. The companion SB774 will be considered in the Senate Commerce Committee on Tuesday afternoon at 1:00 p.m.

ACTION NEEDED: The members of the House Commerce Committee and Senate Commerce Committee are listed on the following page. If your Representative and/or Senator is a member of these committees, contact them before Tuesday (preferably this weekend) and urge them to vote yes on HB1110 and SB774. Come to Nashville on May 5 and participate in the Committee meetings.

To learn who your state legislators are, visit www.legislature.state.tn.us/, type your address under "Find My Legislator" and click "Search."

PLEASE SUPPORT TPA EFFORTS. PBMs are working against us. Voters at home (YOU and your patients) can make the difference. Take action now.

WHAT THE BILL DOES:

- Prevents a PBM from prohibiting a pharmacy from giving a patient information regarding the actual reimbursement amount paid to the pharmacy for a prescription
- Requires percentage-based co-pays to be calculated based on the total prescription price the plan agrees to pay the pharmacy, instead of some other amount as determined by the PBM.

IMPORTANT POINTS:

- Caremark current contracts with pharmacies prohibit a pharmacy from telling patients what the pharmacy got paid for the patient's prescription.
- Patients today cannot determine how percentage-based co-pays are calculated.
- PHARMACIES WILL NOT GET ANY MORE MONEY, but PATIENTS WILL GET MUCH NEEDED INFORMATION. This bill is about patient rights.
- Bill does not affect flat co-pays or deductibles.
- Bill does not interfere with negotiations or influence or change what the pharmacy gets paid.
- The effective date of January 1, 2010, coincides with the effective date of the same requirements going into effect for ALL Medicare Pharmacy Benefit patients.
- This legislation does NOT increase any state costs.

ADDITIONAL INFORMATION: Posted on the TPA website are documents providing more information: a copy of the bill, HB1110; TPA's Position Statement; Chart of Co-Pay examples; CMS Press release on Medicare Prescription Co-Pays; and this Alert, which includes lists of Senate and House Commerce Committee members. Go to www.tnpharm.org/RxTransparencyAct.html.

Come to Nashville on Tuesday, May 5, if you can, to attend House and Senate Committee meetings! If you have questions, call the TPA office at 615-256-3023.

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