

House Bill 585

By: Representatives Parham of the 122nd, Graves of the 125th, West of the 101st, Coleman of the 142nd, Childers of the 13th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 6 of Chapter 4 of Title 26 of the Official Code of Georgia Annotated,
2 relating to pharmacies, so as to provide for the licensing and inspection of pharmacy benefit
3 managers; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 style="text-align:center">**SECTION 1.**

6 Article 6 of Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to
7 pharmacies, is amended by adding following Code Section 26-4-110 a new Code section to
8 read as follows:

9 "26-4-110.1.

10 (a) As used in this Code section, the term:

11 (1) 'Enrollee' means a person eligible to receive health care benefits under a health
12 benefit plan.

13 (2) 'Health benefit plan' means any hospital or medical insurance policy or certificate,
14 health care plan contract or certificate, qualified higher deductible health plan, health
15 maintenance organization subscriber contract, any health benefit plan established
16 pursuant to Article 1 of Chapter 18 of Title 45, or any managed care plan.

17 (3) 'Insurer' means a corporation or other entity which is licensed or otherwise authorized
18 to offer a health benefit plan in this state.

19 (4) 'Pharmacy benefits manager' means any person, corporation, or other entity that
20 administers the prescription drug, prescription device, or both prescription drug and
21 device portion of a health benefit plan on behalf of an insurer and in so doing performs
22 any of the following functions, which constitute the practice of pharmacy, with regard to
23 enrollees under that plan:

24 (A) Disease state management;

25 (B) Disease compliance management;

26 (C) Drug adherence management;

- 1 (D) Drug interaction management;
2 (E) Drug utilization management;
3 (F) Formulary management intervention;
4 (G) Generic alternative program management;
5 (H) Generic incentive program management;
6 (I) Maintenance of confidential patient information;
7 (J) Medical and/or drug data analysis;
8 (K) Patient DUR services;
9 (L) Prior authorization services;
10 (M) Provider profiling and outcomes assessment;
11 (N) Refill reminder program management;
12 (O) Therapy guidelines management;
13 (P) Stop therapy protocol management;
14 (Q) Wellness management.
- 15 (b) Every pharmacy benefit manager shall be licensed to practice as a pharmacy in this
16 state and shall comply with those provisions of 26-4-110, except subsections (h), (i), and (j)
17 thereof. As a condition for licensing, every pharmacy benefit manager shall permit the
18 board or agents or employees thereof to inspect the premises of such pharmacy benefit
19 manager whether those premises are located within or outside this state."

20

SECTION 2.

21 All laws and parts of laws in conflict with this Act are repealed.