

REFERENCE TITLE: **prescription drug coverage; limitations**

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2569

Introduced by
Representative Wilmeth

AN ACT

**AMENDING TITLE 20, CHAPTER 25, ARTICLE 2, ARIZONA REVISED STATUTES, BY
ADDING SECTION 20-3333; RELATING TO PHARMACY BENEFIT MANAGERS.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 20, chapter 25, article 2, Arizona Revised
3 Statutes, is amended by adding section 20-3333, to read:

4 20-3333. Clinician-administered drugs; limitations;
5 definitions

6 A. A PHARMACY BENEFIT MANAGER, HEALTH INSURER OR THIRD-PARTY PAYOR
7 MAY NOT:

8 1. REQUIRE A CLINICIAN-ADMINISTERED DRUG TO BE DISPENSED BY A
9 PHARMACY, INCLUDING BY AN AFFILIATED PROVIDER, AS A CONDITION OF COVERAGE.

10 2. LIMIT OR EXCLUDE COVERAGE FOR A CLINICIAN-ADMINISTERED DRUG OR
11 PRESCRIPTION DRUG THAT IS NOT DISPENSED BY A PHARMACY OR AFFILIATED
12 PROVIDER, IF THE PRESCRIPTION DRUG IS OTHERWISE COVERED UNDER THE HEALTH
13 BENEFITS PLAN OR PHARMACY BENEFIT PLAN.

14 3. COVER A PRESCRIPTION DRUG AS A DIFFERENT BENEFIT OR TIER OR WITH
15 COST SHARING REQUIREMENTS THAT IMPOSE GREATER EXPENSE FOR A COVERED
16 INDIVIDUAL IF THE DRUG IS DISPENSED OR ADMINISTERED AT THE PRESCRIBER'S
17 OFFICE, A HOSPITAL OUTPATIENT INFUSION CENTER OR ANY OTHER OUTPATIENT
18 CLINICAL SETTING RATHER THAN A PHARMACY OR AFFILIATED PROVIDER.

19 B. THIS SECTION DOES NOT DO EITHER OF THE FOLLOWING:

20 1. AUTHORIZE A PERSON TO ADMINISTER A PRESCRIPTION DRUG THAT IS
21 OTHERWISE PROHIBITED UNDER THE LAWS OF THIS STATE OR FEDERAL LAW.

22 2. MODIFY PRESCRIPTION DRUG ADMINISTRATION REQUIREMENTS UNDER THE
23 LAWS OF THIS STATE, INCLUDING ANY REQUIREMENTS RELATED TO DELEGATING AND
24 SUPERVISING PRESCRIPTION DRUG ADMINISTRATION.

25 C. FOR THE PURPOSES OF THIS SECTION:

26 1. "AFFILIATED PROVIDER" MEANS A PHARMACY OR DURABLE MEDICAL
27 EQUIPMENT PROVIDER THAT DIRECTLY, OR INDIRECTLY THROUGH ONE OR MORE
28 INTERMEDIARIES, CONTROLS, IS CONTROLLED BY OR IS UNDER COMMON CONTROL WITH
29 A PHARMACY BENEFIT MANAGER.

30 2. "CLINICIAN-ADMINISTERED DRUG" MEANS AN OUTPATIENT PRESCRIPTION
31 DRUG THAT CANNOT REASONABLY BE SELF-ADMINISTERED BY THE PATIENT TO WHOM
32 THE DRUG IS PRESCRIBED AND THAT IS TYPICALLY ADMINISTERED BY A HEALTH CARE
33 PROVIDER AUTHORIZED UNDER THE LAWS OF THIS STATE TO ADMINISTER THE DRUG.

34 3. "HEALTH CARE PROVIDER" MEANS AN INDIVIDUAL WHO IS LICENSED,
35 CERTIFIED OR OTHERWISE AUTHORIZED TO PROVIDE HEALTH CARE SERVICES IN THIS
36 STATE.

37 4. "PRESCRIBER" MEANS AN INDIVIDUAL WHO IS LICENSED TO PRESCRIBE
38 PRESCRIPTION DRUGS IN THIS STATE.

39 Sec. 2. Applicability

40 SECTION 20-3333, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT,
41 APPLIES TO CONTRACTS ENTERED INTO, AMENDED, EXTENDED OR RENEWED ON OR
42 AFTER THE EFFECTIVE DATE OF THIS ACT.