
SENATE BILL 5628

State of Washington

59th Legislature

2005 Regular Session

By Senators Keiser and Parlette

Read first time 01/31/2005. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to insurance coverage of pharmacy services; adding
2 new sections to chapter 48.43 RCW; creating a new section; and
3 prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature intends health care insurers
6 to have open pharmacy networks. Insurers must offer contractual
7 agreements to all pharmacies willing to meet applicable terms and
8 conditions of the policy contract. Insurers may not impose upon a
9 beneficiary a copay, deductible, coinsurance, or prescription quantity
10 limit that is not imposed upon all beneficiaries in the plan. Pharmacy
11 services are known to be a necessary component in the overall health
12 care system. Therefore, the legislature intends to promote access to
13 ensure the citizens of Washington state can easily obtain their
14 pharmacy services.

15 NEW SECTION. **Sec. 2.** Every health plan delivered, issued for
16 delivery, or renewed by a health carrier on and after January 1, 2006,
17 that provides for payment of all or a portion of prescription costs, or
18 reimbursement of prescription costs, must:

1 (1) Not limit the purchase of prescription medicines to specific
2 pharmacies;

3 (2) Not discriminate between different providers of pharmacy
4 services by requiring the payment of different copayments, coinsurance
5 levels, deductibles, or prescription quantity limits by the covered
6 pharmacy patient depending on the identity or nature of the provider of
7 pharmacy services;

8 (3) Not prohibit a qualified provider of pharmacy services from
9 becoming a provider under the policy if the applicant pharmacy
10 indicates a desire to be recognized as a provider and meets all the
11 applicable terms and conditions of the policy contract; and

12 (4) Offer a provider of pharmacy services the same terms and
13 conditions.

14 NEW SECTION. **Sec. 3.** Section 2 of this act does not apply to:

15 (1) A provider of pharmacy services if that provider cannot or will
16 not meet all of the applicable terms and conditions of the policy
17 contract; or

18 (2) A health maintenance organization that provides pharmaceutical
19 services through pharmacists it employs at pharmacies it owns. A
20 health maintenance organization is exempt in geographic areas in which
21 it owns the pharmacy or pharmacies, but is not exempt in other
22 geographic areas in which the health maintenance organization does not
23 provide pharmacy services through its own pharmacy and employees.

24 NEW SECTION. **Sec. 4.** (1) A health carrier, as defined in this
25 chapter, who violates section 2 of this act or a rule adopted under
26 that section may be subject to a penalty of not less than one thousand
27 dollars nor more than fifty thousand dollars for each violation,
28 payable to the health services account.

29 (2) A person may bring action against a carrier to recover damages
30 suffered as the result of a violation of section 2 of this act or a
31 rule adopted under that section. Proof of a violation constitutes
32 prima facie evidence of damages.

33 NEW SECTION. **Sec. 5.** Sections 2 through 4 of this act are each

1 added to chapter 48.43 RCW.

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