

HOUSE BILL NO. 1365

Introduced by

Representatives Nottestad, Rennerfeldt, Winrich

Senators Lyson, Mutch

1 A BILL for an Act to create and enact a new section to chapter 26.1-36 and a new section to
2 chapter 54-52.1 of the North Dakota Century Code, relating to issuance of uniform prescription
3 drug cards.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 26.1-36 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Uniform prescription drug information card.**

- 8 1. An insurance company, a nonprofit health service corporation, or a health
9 maintenance organization that provides coverage for prescription drugs and that
10 issues a card or other technology for prescription drug claims processing and an
11 administrator of such coverage, including a third-party administrator for a
12 self-insurance plan, a pharmacy benefits manager, and a state-administered plan
13 may not deliver, issue, execute, or renew any health insurance policy, health
14 service contract, or evidence of coverage on an individual, group, blanket,
15 franchise, or association basis unless the insured is also issued a uniform card or
16 other technology containing uniform prescription drug information as provided
17 under this section.
- 18 2. The uniform prescription drug information card or other technology must be in the
19 format approved by the national council for prescription drug programs and must
20 include all of the fields the issuer determines necessary to submit a claim and all
21 the fields necessary to conform to the most recent pharmacy information card or
22 technology implementation guide produced by the national council for prescription
23 drug programs, or must include all the fields necessary to conform to a national
24 format acceptable to the commissioner. All information the issuer determines

1 necessary for claims submission of prescription drug benefits, exclusive of
2 information provided on the prescription as required by law or rule, must be
3 included on the card or other technology in a clear, readable, and understandable
4 manner. All information on the card or other technology which is required under
5 this section and which is not specified by the national council for prescription drug
6 programs must be formatted and arranged in a manner that corresponds in content
7 and format acceptable to the commissioner. All information on the card must be
8 formatted and arranged in a manner that corresponds in content and format to the
9 current content and format required by the issuer to process the claim. If an issuer
10 requires a conditional or situation field as defined by the national council for
11 prescription drug programs, the field must conform to the pharmacy information
12 card or technology implementation guide produced by the national council for
13 prescription drug programs or conform to the national format acceptable to the
14 commissioner.

15 3. An issuer shall issue a new uniform prescription drug information card or other
16 technology upon enrollment and reissue upon any change in the cardholder's
17 coverage which impacts data in content or format as contained on the card or
18 which affects the data content or format required to be on the card or other
19 technology as required by this section. Newly issued cards or other technology
20 must be updated with the latest coverage information and must conform to the
21 national council for prescription drug programs standards and to the
22 implementation guide or must conform to the format specified by the
23 commissioner. However, the issuer may issue to the insured stickers or other
24 methodologies to temporarily update cards as may be acceptable to the
25 commissioner.

26 4. The card or other technology may be used for any health insurance coverage.
27 This section does not require any person issuing the card or other technology to
28 issue a separate card for prescription coverage, provided the card or other
29 technology can accommodate the information necessary to process the claim as
30 required by this section.

1 **SECTION 2.** A new section to chapter 54-52.1 of the North Dakota Century Code is
2 created and enacted as follows:

3 **Uniform prescription drug cards.** The board shall provide for issuance of uniform
4 prescription drug cards under a contract for insurance pursuant to section 54-52.1-04 or under
5 a self-insurance plan pursuant to section 54-52.1-04.2 in the same manner as provided under
6 section 1 of this Act.