

Sixty-fourth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1041

Introduced by

Legislative Management

(Health Care Reform Review Committee)

1 A BILL for an Act to amend and reenact section 50-24.1-37 of the North Dakota Century Code,
2 relating to pharmacy benefit management services for the medicaid expansion program.

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

4 **SECTION 1. AMENDMENT.** Section 50-24.1-37 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **50-24.1-37. (Effective January 1, 2014, through July 31, 2017) Medicaid expansion.**

- 7 1. The department of human services shall expand medical assistance coverage as
8 authorized by the federal Patient Protection and Affordable Care Act [Pub. L. 111-148],
9 as amended by the Health Care and Education Reconciliation Act of 2010 [Pub. L.
10 111-152] to individuals under sixty-five years of age with income below one hundred
11 thirty-eight percent of the federal poverty level, based on modified adjusted gross
12 income.
- 13 2. The department of human services shall inform new enrollees in the medical
14 assistance program that benefits may be reduced or eliminated if federal participation
15 decreases or is eliminated.
- 16 3. The department shall implement the expansion by bidding through private carriers or
17 utilizing the health insurance exchange. The contract between the department and the
18 private carrier must:
- 19 a. Provide a reimbursement methodology for all medications and dispensing fees
20 which identifies minimum and maximum amounts paid to pharmacy methodology.
21 at a minimum, must:
- 22 (1) Be available on the department's website; and

- 1 (2) Encompass all types of pharmacy providers regardless of whether the
2 pharmacy benefits are being paid through the private carrier or contractor or
3 subcontractor of the private carrier under this section.
- 4 b. Provide full transparency of all costs and all rebates in aggregate.
- 5 c. Allow an individual to obtain medication from a pharmacy that provides mail order
6 service; however, the contract may not require only mail order.
- 7 d. Ensure that pharmacy services obtained in jurisdictions other than this state and
8 its three contiguous states are subject to prior authorization and reporting to the
9 department for eligibility verification.
- 10 e. Ensure the payments to pharmacy providers do not include a required payback
11 amount to the private carrier or one of its contractors or subcontractors that is not
12 representative of the amounts allowed under the reimbursement methodology
13 provided in subdivision a.
- 14 f. Any information provided to the department of human services or any audit firm
15 by a pharmacy benefit manager under this section is confidential under section
16 44-04-17.1.