

February 11th 2018

# AkPhA Legislative Update: Pertinent Pharmacy Legislative Issues

## Learning Objectives for Legislative & Government Affairs

- 1). Describe recent legislative issues where AKPhA represented Alaska Pharmacy issues.
- 2). List three AKPhA Legislative Priorities for 2018 Legislative Session.
- 3). Identify non-AKPhA sponsored legislation/initiatives potentially impacting the profession of Pharmacy in Alaska.

### AkPhA Past Relevant Legislation

- 1). PDMP
- 2). Naturopaths
- 3). E-Prescribing
  - 4). Health Exchange Regulations
  - 5). AKM Mediset Coverage
  - 6). AK College of Pharmacy
  - 7). Immunizations
  - 8). Cough Syrup Limitation/DMX
  - 10). Loan Forgiveness Program
  - 11). Preauthorization Forms
  - 12). Medicaid Reform
  - 13). Medicaid Regulations
  - 14). Opioid
  - 15). Tramadol
  - 17). Narcan
  - 18). Biosimilars
  - 19). Compound Rx Coverage

### 1<sup>st</sup> Rule – Find The Leaders!

Barry/Dirk – Leg. co-chairs – Caren – Lobbyist  
Molly – Executive Director



### 2018 Highlights Going Into Session



Governor Bill Walker



Lt. Governor – Byron Mallott

Both up for reelection 2018

### Governor Bill Walker's Cabinet



Leslie Riddle  
Administration



Mike Navarre  
Commerce,  
Community and  
Economic  
Development



Valerie Davidson  
Health and Social  
Services



Dr. Michael Johnson  
Education and Early  
Development



Dean Williams  
Corrections



Sam Cotten  
Fish & Game



Larry Hartig  
Environmental  
Conservation



Heidi Drygas  
Labor and Workforce  
Development

### Governor Bill Walker's Cabinet



**Jahna Lindemuth**  
Law



**Andy Mack**  
Natural Resources



**Walt Monegan**  
Public Safety



**Sheldon Fisher**  
Revenue



**Marc Luiken**  
Transportation and Public Facilities



**Maj. Gen. Laurie Hummel**  
Military and Veterans' Affairs

7

### Highlights Going Into This Session



House and Senate Run By Coalitions

**Sen. Pete Kelly (R) of Fairbanks is the President of the Senate.**

**He leads a 15 - member Majority Coalition**

**14 Republicans  
1 Democrat.**



**Rep. Bryce Edgmon (D) of Dillingham is the Speaker of the House.**

**He leads a 22 - member House Majority Coalition**

**17 Democrats  
3 Republicans  
2 Non-Partisans**

8

### Highlights The 30<sup>th</sup> Legislative Session 2018 Leaders

#### Majority Leaders



**Rep. Chris Tuck**  
Anchorage

#### Minority Leaders



**Rep. Charisse Millett**  
Anchorage

#### Rules Chairs



**Rep. Gabrielle LeDoux**  
Anchorage



**Sen. John Coghill**  
North Pole



**Sen. Berta Gardner**  
Anchorage



**Sen. Kevin Meyer**  
Anchorage

9

### AkPhA Legislative Priorities 2018 30<sup>th</sup> Legislative Session

- ▶ 1). Pharmacy Fair Audit Legislation
- ▶ 2). Wholesaler Licensure Legislation
- ▶ 3). Board of Pharmacy Extension (2022) Legislation
- ▶ 4). Explore options to advance Provider Status for pharmacists
- ▶ 5). **12 months of Birth Control** and Insurance Contraceptives Coverage
- ▶ 6). Maintain an active voice on opioid issues & regulations

10



#### Priority 1

#### Fair Audit Practice

HB240 Rep. Guttenberg ~ SB38 Sen. Giessel



- ▶ Brings **fairness** to the unregulated and expanding practice of pharmacy audits.
- ▶ Does not allow audits the first seven calendar days of each month because of the high patient volume, unless the pharmacy and auditor agree otherwise.
- ▶ Is designed to prevent the targeting of minor clerical or administrative errors where no true fraud, patient harm, or financial loss has occurred.

11

#### Priority 1 -Cont. Fair Audit Practice

- ▶ Establishes submission of data/medical record standards to allow for clarification where discrepancies are identified.
- ▶ Establishes a reasonable time frame for the announcement of an audit to allow proper retrieval of records under review.
- ▶ Establishes an audit appeals process for pharmacies.

12

**Priority 1 – Cont.  
Fair Audit Practice**

- ▶ Establishes guidelines for PBM's (Pharmacy Benefit Managers) to follow regarding patient confidentiality.
- ▶ Extrapolation cannot be used in assessing fees/penalties.
- ▶ Alaska pharmacists would not be penalized for providing mail-order service to their customers. Local mail-order service keeps Alaskan dollars in Alaska.

13

**Priority 1 – Cont.  
Fair Audit Practice**

- ▶ Legislation does not prevent the recoupment of funds where fraud, waste and abuse exist.
- ▶ 40 other states have already enacted fair audit legislation
- ▶ Bill will also include:
  - 1). Registration of PBM's
  - 2). Set up guidelines for generic drug MAC pricing by PBM's
  - 3). Establish a mechanism for pharmacy to appeal MAC pricing

14

FAIR PHARMACY AUDIT LEGISLATION IN THE STATES



15

STATES WITH GENERIC DRUG PRICING TRANSPARENCY LEGISLATION ENACTED



LEGEND  
 STATES WITH NO GENERIC DRUG PRICING TRANSPARENCY LEGISLATION ENACTED  
 STATES WITH GENERIC DRUG PRICING TRANSPARENCY LEGISLATION ENACTED



16



**Priority 2**

**Pharmacy Wholesaler Licensure Legislation  
HB9 Rep. Saddler ~ SB37 Senator Giessel**



- ▶ The bills would give the the State Board of Pharmacy the authority to license and inspect the facilities of wholesale drug distributors and outsourcing facilities located outside the state under AS 08.80.159.
- ▶ It also gives the board the authority to establish the qualifications and duties of the administrator.

17



**Priority 3**

**Extension of the State Board of Pharmacy  
HB 323 – Rep. Sullivan–Leonard**

- ▶ An Act extending the termination date of the Board of Pharmacy; and providing for an effective date.
- ▶ Board of Pharmacy (AS 08.80.010) – June 30, 2022 [2018].

18

### Priority 4 Provider Status for Pharmacist

- ▶ AkPhA Board Chair – Set-up Provider Status Working group. Named Colman Cutchins chair.
- ▶ Working Group met, educated members and discussed strategies.
- ▶ Lobbyist discussed with Sen. Giessel/staff to develop a draft bill.
- ▶ AkPhA needs to educate legislators, and state departments.

Plans are to file 2019 Legislation.

19



### Priority 5 12 Months of Birth Control HB25 – Rep. Claman

- ▶ Today, most women have to refill their birth control every three months.
- ▶ This can be a burden for many women especially in rural areas, and women who work in professions that require them to be gone extended periods of time.
- ▶ HB 25 helps ensure all women have consistent access to the birth control method best for them.
- ▶ Gives them the ability to control when and if they have children, and healthier pregnancies.

20

### Priority 5 12 Months of Birth Control HB25 – Rep. Claman

- ▶ 1). Requires insurance plans to cover all FDA-approved contraceptive methods, including long-acting reversible contraceptives (LARC), tubal ligation and vasectomies.
- ▶ 2). Requires insurance plans to cover a one year supply of self-administered birth control (pills, patches, rings), when prescribed.
- ▶ 3). The bill *does not mandate* the prescription of a one year supply.
- ▶ 4). Applies to private individual and group plans, state and municipal employees, and Medicaid.

21

### 2017/2018 Pending PHARMACISTS Legislative Issues

Bill – Short Title – Prime Sponsor(s) – Current Status – Status Date

- ▶ [HB159/SB79](#) OPIOIDS;PRESCRIPTIONS;DATABASE LICENSES HOUSE RULES BY REQUEST OF THE GOVERNOR CHAPTER 2 SSSLA 17 07/25/2017
- ▶ [HB 326/SB120](#) NATUROPATHS: LICENSING; PRACTICE REP. TARR & Senator Giessel(H) L&C 02/02/2018
- ▶ [SB 32](#) PRESCRIPTIONS FOR BIOLOGICAL PRODUCTS SENATOR HUGHES(H) FIN 04/14/2017

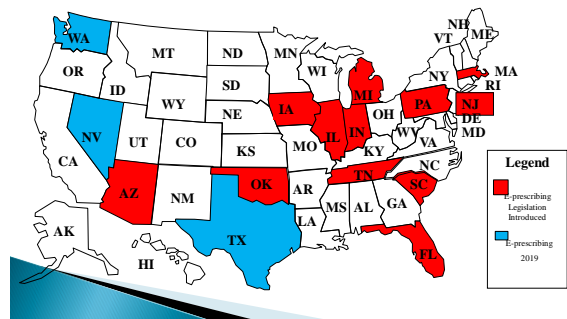
22

### AkPhA 10<sup>th</sup> Annual Legislative Fly-In

- ▶ The association will host it's annual Juneau legislative fly-in on 2/28 thru 3/2/2018.
- ▶ All members are invited to participate
- ▶ Come meet your legislators and learn more about the legislative process first hand

23

### NACDC E-prescribing



## What Happens to Lobbyists/Legislators Working Against Pharmacy Interests?



Aetna - CareMark - Express Script - Teamsters - State of AK

**Questions? Thank you.**

25