

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 2924

2015 Carryover

(BY DELEGATE PERDUE)

[Introduced January 13, 2016; referred to the
Committee on Health and Human Resources.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §16-29B-10a, relating to directing the Health Care Authority to establish a
 3 council to investigate and recommend to the authority pricing guides for pharmaceuticals
 4 that exclude advertising costs.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
 2 section, designated §16-29B-10a, to read as follows:

ARTICLE 29B. HEALTH CARE AUTHORITY.

§16-29B-10a. Pharmaceutical cost management.

1 (a) The board shall propose rules for legislative approval in accordance with article three,
 2 chapter twenty-nine-a of this code to effect the purposes of this section and may promulgate
 3 emergency rules pursuant to section fifteen, article three, chapter twenty-nine-a of this code.
 4 The board shall appoint within the membership of the board, the Council on Pharmaceutical Cost
 5 Management, which may conduct investigations and make recommendations to the board to
 6 publish rate schedules for pharmaceutical drugs that remove costs for advertising from the pricing
 7 of the pharmaceuticals.

8 (b) The subcommittee shall explore requirements and criteria, including the level of detail,
 9 for prescription drug manufacturers to disclose to the council expenditures for advertising,
 10 marketing and promotion based on aggregate national data and information gathered by federal
 11 sources through the Affordable Care Act. The council shall explore the feasibility of using or
 12 referencing the federal supply schedule or referencing to the price, as adjusted for currency
 13 valuations, set by the Canada Patented Medicine Prices Review Board or any other appropriate
 14 referenced price to establish prescription drug pricing for brand name drugs in the state and to
 15 review and determine the dispensing fees for pharmacies.

16 (c) The council shall consider strategies by which West Virginia may manage the
17 increasing costs of prescription drugs and increase access to prescription drugs for all of the
18 state's citizens, including the authority to:

19 (1) Explore the enactment of fair prescription drug pricing policies;

20 (2) Explore discount prices or rebate programs for seniors and persons without
21 prescription drug coverage; and

22 (3) Explore programs offered by pharmaceutical manufacturers that provide prescription
23 drugs for free or at reduced prices.

24 (d) The board may implement a rate schedule for pharmaceuticals that implements the
25 recommendations of the council.

NOTE: The purpose of this bill is to require the Health Care Authority to create a counsel to investigate and make recommendations on methods to reduce prescription drug costs and recommend these changes to the board, which is authorized to publish rate schedules for pharmaceutical drugs that remove costs for advertising from the pricing of the pharmaceuticals.

This section is new, therefore , it has been completely underscored.