

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 787

SENATORS TARR, HARDESTY, MARONEY, STOLLINGS, AND

PLYMALE, *original sponsors*

[Passed March 7, 2020; in effect 90 days from passage]

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §33-53-1, relating to providing benefits to pharmacists for pharmacist care
3 rendered within the pharmacist's scope of practice if benefits would be provided for such
4 services performed by other health care providers; providing for reimbursement pursuant
5 to negotiations; excepting certain health plans, policies, contracts, or agreements from
6 requirements; and providing for effective date.

Be it enacted by the Legislature of West Virginia:

ARTICLE 53. HEALTH CARE SERVICES PROVIDED BY PHARMACISTS.

§33-53-1. Services provided by pharmacists.

1 (a) For health plans, policies, contracts, or agreements issued, amended, adjusted, or
2 renewed on or after January 1, 2021:

3 (1) Benefits may not be denied for any health care service performed by a pharmacist
4 licensed under §30-5-1 *et seq.* of this code if:

5 (A) The service performed was within the lawful scope of the pharmacist's license;

6 (B) The plan would have provided benefits if the service had been performed by another
7 health care provider; and

8 (C) The pharmacist is included in the plan's network of participating providers.

9 (2) The health plan shall include an adequate number of pharmacists in its network of
10 participating health care providers.

11 (b) The participation of pharmacies in the plan network's drug benefit does not satisfy the
12 requirement that plans include pharmacists in their network of participating health care providers.

13 (c) Health benefit plans, policies, contracts, or agreements issued, amended, adjusted, or
14 renewed on or after January 1, 2020, but before January 1, 2021, that delegate credentialing
15 agreements to contracted health care facilities shall accept credentialing for pharmacists
16 employed or contracted by those facilities. Health plans shall reimburse facilities for covered

17 services provided by network pharmacists within the pharmacists' scope of practice per
18 negotiations with the facility.

19 (d) For purposes of this section, health plans, policies, contracts, or agreements do not
20 include Medicaid or Children's Health Insurance Program health plans, policies, contracts, or
21 agreements that are approved by the Department of Health and Human Resources Bureau of
22 Medical Services.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, Senate Committee

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Chairman, House Committee

Originated in the Senate.

In effect 90 days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

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Day of, 2020.

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Governor