

## **BILL ANALYSIS**

C.S.H.B. 3441  
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Insurance  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

There are concerns that pharmacists are not routinely paid for providing services for which other health care providers are paid. C.S.H.B. 3441 seeks to address these concerns by prohibiting certain insurers from denying reimbursement to a pharmacist for services provided by a pharmacist within the pharmacist's scope of practice.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 3441 amends the Insurance Code to prohibit an insurer or other health benefit plan issuer or a third-party administrator or pharmacy benefit manager of a health benefit plan from denying reimbursement to a pharmacist for the provision of a service or procedure within the scope of the pharmacist's license to practice pharmacy under the Texas Pharmacy Act that would be covered by the insurance policy or other coverage agreement if the service or procedure were provided by a physician, an advanced practice nurse, or a physician assistant and that is performed by the pharmacist in strict compliance with laws and rules related to the provision of the service or procedure and the pharmacist's license. The bill prohibits these provisions from being construed to require an insurer or other health benefit plan issuer or a third-party administrator or pharmacy benefit manager to reimburse a pharmacist or pharmacy as an in-network or preferred provider. The bill establishes, and provides certain exceptions to, the applicability of its provisions. The bill applies only to a health benefit plan that is delivered, issued for delivery, or renewed on or after January 1, 2020.

### **EFFECTIVE DATE**

September 1, 2019.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 3441 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include a county employee health benefit plan or health and accident coverage provided by a risk pool created under the Texas Political Subdivision Employees Uniform Group Benefits Act in the bill's applicability.

The substitute includes as a condition on the prohibition against reimbursement denial that the pharmacist's provision of a service or procedure is performed in strict compliance with laws and rules related to the provision of the service or procedure.

The substitute includes a prohibition against the bill's provisions being construed to require the applicable entities to reimburse a pharmacist or pharmacy as an in-network or preferred provider.