**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 2021**

**House Draft (Not For Introduction) V. 3**

Short Title: Fair and Equitable Reimbursement for Pharmacy Services.

Sponsors: Representatives:

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR FAIR AND EQUITABLE REIMBURSEMENT FOR PHARMACY SERVICES WHEN EQUIVALENT TO THOSE PERFORMED BY OTHER HEALTH CARE PROFESSIONALS AND WHEN WITHIN THE PHARMACISTS SCOPE OF PRACTICE.

Whereas, it is the intention of the North Carolina General Assembly to improve access to care and health outcomes for its citizens; and,

Whereas North Carolina Citizens benefit from health care providers practicing at the top of their license,

Whereas pharmacists are essential healthcare providers; and,

Whereas health plans providing coverage for North Carolinians, should not discriminate against a select profession of healthcare providers, for network inclusion, therefore

The General Assembly of North Carolina Enacts:

**Section 1 Definitions:**

For the purposes of this article, the following definitions apply:

1. **Pharmacist** 
   1. any person responsible for interpreting and evaluating drug orders, including prescription orders; compounding, dispensing, and labeling prescription drugs and devices; properly and safely storing drugs and devices; maintaining proper records; and controlling pharmacy goods and services.
   2. A pharmacist may advise and educate patients and health care providers concerning therapeutic values, content, uses, and significant problems of drugs and devices; assess, record, and report adverse drug and device reactions; take and record patient histories relating to drug and device therapy; monitor, record, and report drug therapy and device usage; perform drug utilization reviews; and participate in drug and drug source selection and device and device source selection as provided in G.S. 90-85.27 through G.S. 90-85.31. 90-18(a), 90-18.15B.

1. **Health Care Provider** 
   1. any licensed health care professional; any agent or employee of any health care institution, health care insurer, health care professional school; or a member of any allied health profession.
2. **Health Care Service** 
   1. a health or medical procedure or service rendered by a health care provider that: a. Provides testing, diagnosis, or treatment of a health condition, illness, injury, or disease; or b. Dispenses drugs, medical devices, medical appliances, or medical goods for the treatment of a health condition, illness, injury, or disease; or c. vaccine or medication administration. (5)
3. **Health Benefit Plan (bill drafting to define- but refer to G.S. 58-50-110(11) and G.S. 58-50-56.**

Need to include insurers, their agents, third-party administrators, including PBMs (note we’ve addressed this in Section 3 (2) below.

1. **Pharmacy Benefits Manager**
   1. An entity who contracts with a pharmacy on behalf of an insurer or third party administer to administer or manage prescription drug benefits.

**Section 2 Reimbursement of Services Provided by Pharmacists.**

For health plans, policies, contracts, or agreements issued, amended, adjusted or renewed as of July 1, 2021: Pharmacists and shall be reimbursed at the same rate as other health care providers when providing the same or equivalent health care service provided that:

1. The service was performed within the lawful scope of practice of the pharmacists’ license to practice under G.S. 90-18
2. The health plan would have provided benefits if the service had been performed by another health care provider.

Health plans, policies, contracts or agreements issued, amended, adjusted or renewed on or after July 1, 2021 that delegate credentialing agreements to contracted health care facilities shall accept credentialing for pharmacists and employed or contracted by those facilities and shall reimburse facilities or contracted pharmacists directly for covered services by both in and out of network pharmacists and provided that the health service provided was within their scope of practice**.**

**Section 3: Coverage**

1. This act provides coverage under a group health benefit plan provided to a resident of this state regardless of whether the group policy, agreement or contract is delivered, issued for delivery or renewed in this state.
2. A health benefit plan issuer, their agents or a third-party administrator, or a pharmacy benefits manager of a health benefit plan may not deny equivalent reimbursement to pharmacists for health services provided that are the same as those provided by other health care providers that would be covered by the insurance policy or other coverage agreement if the service or procedure is provided by
   1. A physician,
   2. An advanced practice nurse,
   3. A physician assistant, and,
   4. Is performed by the pharmacist in compliance with the procedures related to the provision of the service or procedure and,
   5. Is performed under the scope of practice of the pharmacists’ license and credentials.