

SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 3823

(SENATE AUTHORS: DUCKWORTH, Benson and Rosen)

DATE	D-PG	OFFICIAL STATUS
03/09/2022	5252	Introduction and first reading
		Referred to Commerce and Consumer Protection Finance and Policy
03/21/2022	5483	Author added Rosen

1.1 A bill for an act

1.2 relating to insurance; requiring equal coverage of services provided by a pharmacist;

1.3 establishing network adequacy requirements for pharmacists; setting medical

1.4 assistance and MinnesotaCare requirements for coverage and payment of pharmacy

1.5 services; amending Minnesota Statutes 2020, sections 62A.15, subdivision 4, by

1.6 adding a subdivision; 62D.124, subdivision 1; 62K.10, subdivision 2; 256B.0625,

1.7 by adding a subdivision; 256L.03, by adding a subdivision; proposing coding for

1.8 new law in Minnesota Statutes, chapter 62D.

1.9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.10 Section 1. Minnesota Statutes 2020, section 62A.15, is amended by adding a subdivision

1.11 to read:

1.12 Subd. 3c. **Pharmacist.** All benefits provided by a policy or contract referred to in

1.13 subdivision 1 relating to expenses incurred for medical treatment or services of a licensed

1.14 physician must include services provided by a licensed pharmacist. This subdivision provides

1.15 equal payment of benefits for treatment and services by a pharmacist and does not add to

1.16 the benefits provided for in a policy or contract referred to in subdivision 1.

1.17 **EFFECTIVE DATE.** This section is effective January 1, 2023, and applies to policies

1.18 or contracts offered, issued, or renewed on or after that date.

1.19 Sec. 2. Minnesota Statutes 2020, section 62A.15, subdivision 4, is amended to read:

1.20 Subd. 4. **Denial of benefits.** (a) No carrier referred to in subdivision 1 may, in the

1.21 payment of claims to employees in this state, deny benefits payable for services covered by

1.22 the policy or contract if the services are lawfully performed by a licensed chiropractor,

1.23 licensed optometrist, a registered nurse meeting the requirements of subdivision 3a, ~~or~~ a

1.24 licensed acupuncture practitioner, or a licensed pharmacist.

2.1 (b) When carriers referred to in subdivision 1 make claim determinations concerning
 2.2 the appropriateness, quality, or utilization of chiropractic health care for Minnesotans, any
 2.3 of these determinations that are made by health care professionals must be made by, or
 2.4 under the direction of, or subject to the review of licensed doctors of chiropractic.

2.5 (c) When a carrier referred to in subdivision 1 makes a denial of payment claim
 2.6 determination concerning the appropriateness, quality, or utilization of acupuncture services
 2.7 for individuals in this state performed by a licensed acupuncture practitioner, a denial of
 2.8 payment claim determination that is made by a health professional must be made by, under
 2.9 the direction of, or subject to the review of a licensed acupuncture practitioner.

2.10 **EFFECTIVE DATE.** This section is effective January 1, 2023, and applies to policies
 2.11 or contracts offered, issued, or renewed on or after that date.

2.12 **Sec. 3. [62D.1071] COVERAGE OF LICENSED PHARMACIST SERVICES.**

2.13 Subdivision 1. **Pharmacist.** All benefits provided by a health maintenance contract
 2.14 relating to expenses incurred for medical treatment or services of a licensed physician must
 2.15 include services provided by a licensed pharmacist. This subdivision provides equal payment
 2.16 of benefits for treatment and services by a pharmacist and does not add to the benefits
 2.17 provided for in a health maintenance contract.

2.18 Subd. 2. **Denial of benefits.** When paying claims for enrollees in Minnesota, a health
 2.19 maintenance organization must not deny payment for medical services covered by an
 2.20 enrollee's health maintenance contract if the services are lawfully performed by a licensed
 2.21 pharmacist.

2.22 **EFFECTIVE DATE.** This section is effective January 1, 2023, and applies to health
 2.23 plans offered, issued, or renewed on or after that date.

2.24 Sec. 4. Minnesota Statutes 2020, section 62D.124, subdivision 1, is amended to read:

2.25 Subdivision 1. **Primary care; mental health services; general hospital services;**
 2.26 **pharmacy services.** (a) Within the health maintenance organization's service area, the
 2.27 maximum travel distance or time shall be the lesser of 30 miles or 30 minutes to the nearest
 2.28 provider of each of the following services: primary care services, mental health services,
 2.29 ~~and~~ general hospital services, and pharmacy services. The health maintenance organization
 2.30 must designate which method is used.

2.31 (b) A health maintenance organization must not use a pharmacy's participation in a health
 2.32 maintenance organization's drug benefit to meet the requirements of this subdivision.

3.1 (c) To meet the requirements of this subdivision, a pharmacist must be licensed under
3.2 chapter 151.

3.3 **EFFECTIVE DATE.** This section is effective January 1, 2023, and applies to health
3.4 plans offered, issued, or renewed on or after that date.

3.5 Sec. 5. Minnesota Statutes 2020, section 62K.10, subdivision 2, is amended to read:

3.6 **Subd. 2. Primary care; mental health services; general hospital services; pharmacy**
3.7 **services.** (a) The maximum travel distance or time shall be the lesser of 30 miles or 30
3.8 minutes to the nearest provider of each of the following services: primary care services,
3.9 mental health services, ~~and~~ general hospital services, and pharmacy services.

3.10 (b) A health carrier must not use a pharmacy's participation in a health carrier's drug
3.11 benefit to meet the requirements of this subdivision.

3.12 (c) To meet the requirements of this subdivision, a pharmacist must be licensed under
3.13 chapter 151.

3.14 **EFFECTIVE DATE.** This section is effective January 1, 2023, and applies to health
3.15 plans offered, issued, or renewed on or after that date.

3.16 Sec. 6. Minnesota Statutes 2020, section 256B.0625, is amended by adding a subdivision
3.17 to read:

3.18 **Subd. 13k. Coverage and payment for pharmacy services.** (a) Medical assistance
3.19 coverage of services provided by a licensed physician must include coverage of services
3.20 provided by a licensed pharmacist to the extent a licensed pharmacist's services are within
3.21 the scope of practice. This requirement applies to services provided under fee-for-service
3.22 medical assistance and services provided by a managed care plan under section 256B.69 or
3.23 a county-based purchasing plan under section 256B.692.

3.24 (b) The commissioner, and managed care and county-based purchasing plans when
3.25 providing services under sections 256B.69 and 256B.692, must reimburse a participating
3.26 pharmacist or pharmacy for a service that is also within a physician's scope of practice at
3.27 an amount no lower than the standard payment rate that would be applied when reimbursing
3.28 a physician for the service.

3.29 **EFFECTIVE DATE.** This section is effective January 1, 2023, or upon federal approval,
3.30 whichever is later.

4.1 Sec. 7. Minnesota Statutes 2020, section 256L.03, is amended by adding a subdivision to
4.2 read:

4.3 Subd. 7. Coverage and payment for pharmacy services. MinnesotaCare coverage and
4.4 payment for pharmacy services must comply with the requirements for medical assistance
4.5 specified in section 256B.0625, subdivision 13k.

4.6 EFFECTIVE DATE. This section is effective January 1, 2023, or upon federal approval,
4.7 whichever is later.