

Louisiana Revised Statutes of 1950

Title 40 – Public Health and Safety

Chapter 36 – Regulation of Pharmacy Benefit Managers

§2869. Pharmacy benefit manager monitoring advisory council; membership; functions

- A. There is hereby created a pharmacy benefit manager monitoring advisory council, referred to hereafter in this Chapter as the “advisory council”, that shall consist of the following members, each of whom may appoint a designee:
- (1) The commissioner of the Department of Insurance.
 - (2) The president of the Louisiana State Board of Medical Examiners.
 - (3) The president of the Louisiana Board of Pharmacy.
 - (4) The attorney general.
 - (5) The director of the public protection division of the Department of Justice.
 - (6) The secretary of the Louisiana Department of Health.
 - (7) The president of the Louisiana Academy of Physician Assistants.
 - (8) The president of the Louisiana State Medical Society.
 - (9) The president of the Louisiana Association of Nurse Practitioners.
 - (10) The president of the Louisiana Pharmacists Association.
 - (11) The president of the Louisiana Independent Pharmacies Association.
 - (12) The president of the National Association of Chain Drug Stores.
 - (13) The president of the Pharmaceutical Research and Manufacturers of America.
 - (14) The president of the Louisiana Academy of Medical Psychologists.
 - (15) The president of the Louisiana Association of Health Plans.
 - (16) The president of a pharmacy benefit manager licensed by the Louisiana Board of Pharmacy, selected by the Louisiana affiliate of the Pharmaceutical Care Management Association from a list of interested and qualified individuals.
 - (17) The president of the Louisiana Association of Business and Industry.
 - (18) The chief executive officer of the Louisiana Business Group on Health.
 - (19) The president of the Louisiana AFL-CIO.
 - (20) The president of the Louisiana Association of Health Underwriters.
- B. The members of the advisory council shall serve at the pleasure of their respective appointing authorities. Seven members shall constitute a quorum for the transaction of all business. The members shall elect a chairman and vice chairman whose duties shall be established by the advisory council. The member elected to serve as chairman shall fix a time and place for regular meetings of the advisory council, which shall meet at least quarterly. The advisory council shall establish policies and procedures necessary to carry out its duties. Expenses for the administrative staffing of the advisory council shall be provided for from the licensing fees paid by pharmacy benefit managers and may be transferred between state agencies by memorandum of understanding or cooperative endeavor agreement.
- C. The commissioner of insurance and the Board of Pharmacy may utilize the full advisory council or individual member agency expertise for the purpose of investigating a complaint against a pharmacy benefit manager or conducting an audit of a pharmacy benefit manager. In exercising the authority provided for in this Subsection, the same provisions of confidentiality applicable to the Department of Insurance and Louisiana Board of Pharmacy during an investigation shall apply to the advisory council or individual member agencies whose expertise is being utilized. The advisory council may meet in executive session, as necessary, to discuss matters involving an active investigation.
- D. The advisory council shall provide monitoring of pharmacy benefit managers in Louisiana to advise the legislature, commissioner of insurance, and Board of Pharmacy on the most effective and efficient manner of regulation of pharmacy benefit managers to ensure the protection of the public. Any licensed pharmacy benefit manager operating in Louisiana shall provide full cooperation with the advisory council on matters including but not limited to those set forth in Subsection E of this Section.
- E. The advisory council shall advise on matters that include but are not limited to the licensure and regulation of pharmacy benefit managers set forth in Title 22, Title 37, and Title 40 of the Louisiana Revised Statutes of 1950, applicable rules and regulations of state agencies, and federal laws or rules relative to pharmacy benefit managers.