

Amendment - 2nd Reading-yellow - Requested by: Marta Bertoglio - (H) Committee of the Whole

- 2025

69th Legislature 2025

Drafter: Jameson Walker,

HB0740.002.001

HOUSE BILL NO. 740

INTRODUCED BY M. BERTOGLIO, M. THANE, Z. WIRTH

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATING TO PHARMACIES, PHARMACY BENEFIT MANAGERS, AND OTHER ENTITIES; PROVIDING LAWS RELATING TO THE RECOUPMENT OF FUNDS; PROVIDING DEFINITIONS; REVISING LAWS RELATED TO MAXIMUM ALLOWABLE COST OR THE REFERENCE PRICE LIST; PROHIBITING CERTAIN FEES; EXEMPTING THE GROUP HEALTH INSURANCE PLAN OF CERTAIN EMPLOYEES; AND AMENDING SECTIONS 33-2-2005, 33-22-170, 33-22-171, 33-22-172, 33-22-175, AND 33-22-177, ~~AND 39-71-727~~, MCA; AND PROVIDING AN APPLICABILITY SECTION."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 33-2-2005, MCA, is amended to read:

"33-2-2005. Prohibitions -- recoupment -- payment -- interest. An entity conducting an audit may not:

(1) include dispensing fees unless a prescription was not actually dispensed, the prescriber denied authorization, the prescription dispensed was a dispensing error by the pharmacy, or the identified overpayment is based solely on an extra dispensing fee;

(2) recoup funds for prescription clerical or recordkeeping errors, including typographical errors, scrivener's errors, and computer errors, in a required document or record unless the error results in actual financial harm to the entity or to a consumer;

(3) collect any funds, charge-backs, or penalties until the audit and all appeals are final unless the entity is alleging fraud or other intentional or willful misrepresentation that is evidenced by the review of claims data, statements, physical review, or other investigative methods;

(4) use extrapolation or other statistical expansion techniques in calculating the amount of any recoupment or penalty;

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1 ~~medications from an in-state mail service pharmacy.~~

2 ~~(9) — The provisions of this section do not apply to an agreement between a preferred provider~~

3 ~~organization and an insurer."~~

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5 **NEW SECTION. Section 7. Applicability.** [This act] does not apply to the group health insurance
6 plan for state employees under Title 2, chapter 18, part 7.

7 - END -