

1

H.233

2 An act relating to licensure and regulation of pharmacy benefit managers

3 The Senate proposes to the House to amend the bill as follows:

4 First: In Sec. 1, 18 V.S.A. chapter 77, in section 3613, by striking out
5 subdivision (b)(3) in its entirety and inserting in lieu thereof a new subdivision
6 (b)(3) to read as follows:

7 (3)(A) In order to protect and promote patients' and consumers'
8 interests in accordance with the Office's duties under chapter 229 of this title,
9 the Office of the Health Care Advocate shall have the right to receive and
10 review in full, including any exhibits, attachments, appendices, or other
11 supplementary materials, all of the following:

12 (i) the preliminary report of any examination conducted by or on
13 behalf of the Commissioner under this section;

14 (ii) the pharmacy benefit manager's submissions or rebuttals to the
15 report, if any;

16 (iii) the final examination report adopted by the Commissioner;
17 and

18 (iv) the Commissioner's order adopting the final examination
19 report.

20 (B) The Office of the Health Care Advocate shall not further disclose
21 any confidential or proprietary information provided to the Office pursuant to

1 this subdivision. Information provided to the Office pursuant to this
2 subdivision (3) shall not be subject to subpoena and shall not be subject to
3 discovery or admissible in evidence in any private civil action.

4 Second: In Sec. 1, 18 V.S.A. chapter 77, in section 3613, by striking out
5 subsection (e) in its entirety

6 Third: By adding a new section to be Sec. 6a to read as follows:

7 Sec. 6a. DEPARTMENT OF FINANCIAL REGULATION; PRIVATE
8 RIGHT OF ACTION; REPORT

9 On or before January 15, 2025, the Department of Financial Regulation
10 shall report to the House Committees on Health Care and on Judiciary and the
11 Senate Committees on Health and Welfare and on Judiciary whether the
12 Department recommends enabling pharmacies, pharmacists, and other persons
13 injured by a pharmacy benefit manager's violation of 18 V.S.A. chapter 77 to
14 bring an action against the pharmacy benefit manager in Superior Court.