

SUBSTITUTE FOR  
SENATE BILL NO. 525

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
(MCL 333.1101 to 333.25211) by adding section 9721.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 9721. (1) THE DEPARTMENT SHALL CREATE AND OPERATE A  
2        PRESCRIPTION DRUG WEBSITE TO EDUCATE CONSUMERS ABOUT THE PRICE OF  
3        CERTAIN PRESCRIPTION DRUG PRODUCTS AND TO PROVIDE LINKS TO OTHER  
4        HELPFUL WEBSITES INCLUDING, BUT NOT LIMITED TO, THOSE WEBSITES THAT  
5        MAY ASSIST AND EDUCATE CONSUMERS ON THE AVAILABILITY OF PUBLIC AND  
6        PRIVATE PROGRAMS THAT, IN COMPLIANCE WITH FEDERAL AND STATE RULES  
7        AND REGULATIONS, OFFER ACCESS TO DISCOUNTED OR FREE PRESCRIPTION  
8        DRUG PRODUCTS.

9        (2) THE DEPARTMENT SHALL INCLUDE ALL OF THE FOLLOWING ON THE

1    PRESCRIPTION DRUG WEBSITE:

2           (A) THE 150 MOST COMMONLY PRESCRIBED BRAND NAME DRUG PRODUCTS  
3   AS REPORTED BY THIS STATE'S MEDICAL ASSISTANCE PROGRAM.

4           (B) IF NOT INCLUDED UNDER SUBDIVISION (A), THE MOST COMMONLY  
5   PRESCRIBED BRAND NAME DRUG PRODUCTS USED FOR THE TREATMENT OF ALL  
6   MAJOR ILLNESSES AND DISEASES, AS DETERMINED BY THE DEPARTMENT.

7           (C) IF AVAILABLE, THE GENERICALLY EQUIVALENT DRUG PRODUCTS FOR  
8   THE BRAND NAME DRUG PRODUCTS INCLUDED UNDER SUBDIVISIONS (A) AND  
9   (B) .

10          (D) THE USUAL AND CUSTOMARY PRICE FOR EACH DRUG PRODUCT  
11   INCLUDED UNDER SUBDIVISIONS (A), (B), AND (C). THE PRICE  
12   INFORMATION ON THE WEBSITE SHALL CONSPICUOUSLY DISPLAY ALL OF THE  
13   FOLLOWING:

14           (i) IF AVAILABLE, THE GENERICALLY EQUIVALENT DRUG PRODUCT FOR  
15   EACH BRAND NAME DRUG PRODUCT.

16           (ii) THE PRICE ATTRIBUTABLE TO EACH BRAND NAME AND GENERICALLY  
17   EQUIVALENT DRUG PRODUCT.

18           (iii) THE DOSAGE, INCLUDING THE NUMBER OF DOSES AND DOSAGE  
19   STRENGTH, UPON WHICH THE POSTED PRICE IS BASED.

20           (iv) THE NAME, STREET ADDRESS, AND CITY OR OTHER IDENTIFIABLE  
21   LOCATION OF THE PHARMACY AT WHICH THE LISTED DRUG PRODUCT MAY BE  
22   PURCHASED AT A POSTED PRICE.

23          (E) A MINIMUM OF 5 LINKS TO OTHER WEBSITES AS DESCRIBED IN  
24   SUBSECTION (1) .

25          (F) THE DEPARTMENT'S TOLL-FREE TELEPHONE NUMBER CREATED UNDER  
26   SUBSECTION (4) .

27          (G) AN ADVISORY STATEMENT ALERTING CONSUMERS OF THE NEED TO

1 TELL THEIR HEALTH PROFESSIONAL AND PHARMACIST ABOUT ALL THE  
2 MEDICATIONS THEY ARE TAKING TO ASK HOW TO AVOID HARMFUL  
3 INTERACTIONS BETWEEN THOSE MEDICATIONS, IF ANY.

4 (H) AN ADVISORY STATEMENT ALERTING CONSUMERS THAT THE PRICE  
5 POSTED IS ONLY FOR THE STRENGTH AND QUANTITY OF THE LISTED DRUG  
6 PRODUCT.

7 (3) AT LEAST ONCE A MONTH, THE DEPARTMENT SHALL OBTAIN FROM  
8 THE PERSON THAT THE DEPARTMENT HAS CONTRACTED TO SERVE AS ITS  
9 PHARMACY BENEFITS MANAGER FOR THIS STATE'S MEDICAL ASSISTANCE  
10 PROGRAM THE USUAL AND CUSTOMARY PRICE AS REPORTED FOR THE MOST  
11 COMMONLY PRESCRIBED DRUG PRODUCTS IDENTIFIED PURSUANT TO SUBSECTION  
12 (2) (A), (B), AND (C) TO THAT PHARMACY BENEFITS MANAGER BY EACH  
13 PHARMACY THAT FILLS OR REFILLS A PRESCRIPTION UNDER THIS STATE'S  
14 MEDICAL ASSISTANCE PROGRAM. THE DEPARTMENT SHALL INCLUDE THIS  
15 INFORMATION ON THE WEBSITE UNDER THIS SECTION. THIS SUBSECTION DOES  
16 NOT REQUIRE A PHARMACY THAT FILLS OR REFILLS A PRESCRIPTION UNDER  
17 THIS STATE'S MEDICAL ASSISTANCE PROGRAM TO PROVIDE ANY ADDITIONAL  
18 INFORMATION THAN THAT CURRENTLY BEING REPORTED BY THE PHARMACY TO  
19 THE PERSON THAT THE DEPARTMENT HAS CONTRACTED TO SERVE AS ITS  
20 PHARMACY BENEFITS MANAGER FOR THIS STATE'S MEDICAL ASSISTANCE  
21 PROGRAM.

22 (4) THE DEPARTMENT SHALL ESTABLISH AND MAINTAIN A TOLL-FREE  
23 TELEPHONE NUMBER THAT A PERSON MAY CALL FOR INFORMATION ON  
24 PRESCRIPTION DRUG PROGRAMS AVAILABLE IN THIS STATE, INCLUDING, BUT  
25 NOT LIMITED TO, FREE AND DISCOUNTED PRESCRIPTION DRUG PROGRAMS. THE  
26 DEPARTMENT MAY UTILIZE AN EXISTING TOLL-FREE TELEPHONE LINE TO  
27 SATISFY THIS REQUIREMENT.

1           (5) THE DEPARTMENT SHALL ESTABLISH A MECHANISM BY WHICH A  
2 PHARMACY LISTED ON THE PRESCRIPTION DRUG WEBSITE MAY NOTIFY THE  
3 DEPARTMENT OF AN INCORRECT USUAL AND CUSTOMARY PRICE FOR A DRUG  
4 PRODUCT AVAILABLE AT THAT PHARMACY AND SUBMIT THE CORRECT USUAL AND  
5 CUSTOMARY PRICE. THE MECHANISM SHALL ALLOW THE PHARMACY TO SUBMIT  
6 THE CORRECT USUAL AND CUSTOMARY PRICE FOR A DRUG PRODUCT TO THE  
7 DEPARTMENT IN A FORMAT PRESCRIBED BY THE DEPARTMENT VIA ELECTRONIC  
8 MAIL, FACSIMILE, TOLL-FREE TELEPHONE NUMBER, OR OTHER METHOD OF  
9 ELECTRONIC SUBMISSION. WITHIN 3 BUSINESS DAYS OF RECEIPT OF THE  
10 SUBMISSION, THE DEPARTMENT SHALL VERIFY WHETHER THE INFORMATION  
11 SUBMITTED IS ACCURATE AND, IF SO, SHALL UPDATE THE WEBSITE WITH THE  
12 CORRECT USUAL AND CUSTOMARY PRICE FOR THE DRUG PRODUCT.

13           (6) BEGINNING JUNE 1, 2008, AND ANNUALLY EACH YEAR AFTER 2008,  
14 THE DEPARTMENT SHALL PREPARE AND SUBMIT A REPORT THAT ASSESSES THE  
15 ACCURACY OF THE USUAL AND CUSTOMARY PRICES POSTED ON THE WEBSITE AS  
16 RECEIVED FROM THE PHARMACY BENEFITS MANAGER FOR THE STATE'S MEDICAL  
17 ASSISTANCE PROGRAM AND FROM ANY OTHER PHARMACY BENEFITS MANAGER  
18 THAT SUPPLIES INFORMATION TO THE DEPARTMENT. THE DEPARTMENT SHALL  
19 INCLUDE IN THE REPORT THE NUMBER OF NOTIFICATIONS OF INCORRECT  
20 USUAL AND CUSTOMARY PRICES RECEIVED FROM PHARMACIES, THE NUMBER OF  
21 THOSE NOTIFICATIONS THAT WERE VERIFIED, AND THE NUMBER OF DRUG  
22 PRODUCT PRICES THAT WERE CORRECTED ON THE WEBSITE. THE REPORT SHALL  
23 BE SUBMITTED TO THE GOVERNOR, THE LEGISLATURE, AND REPRESENTATIVES  
24 OF THE HOUSE AND SENATE FISCAL AGENCIES.

25           (7) AS USED IN THIS SECTION, "USUAL AND CUSTOMARY PRICE" MEANS  
26 THAT PRICE THAT IS COMPARABLE TO WHAT A PHARMACY WOULD CHARGE A  
27 CASH-PAYING CUSTOMER WITHOUT INSURANCE. USUAL AND CUSTOMARY PRICE

- 1 DOES NOT INCLUDE DISCOUNTS, SPECIAL PROMOTIONS, OR OTHER PROGRAMS
- 2 INITIATED TO REDUCE PRICES FOR PRODUCT COSTS AVAILABLE TO THE
- 3 GENERAL PUBLIC OR TO A SPECIAL POPULATION.