



Open Government Impact Statement

82nd Oregon Legislative Assembly
2024 Regular Session

Measure: HB 4149 - B

Only impacts on Original or Engrossed
Versions are Considered Official

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SUMMARY

Digest: The Act requires PBMs to be licensed and changes the definition of a PBM. The Act changes the way PBMs can audit drug stores. The Act requires PBMs to report certain information each year to DCBS. The Act makes changes to the way 340B drugs are covered by insurance. The Act protects certain information that is provided to or developed by the OPDP from being released to the public. (Flesch Readability Score: 65.3).

Requires pharmacy benefit managers to be licensed by the Department of Consumer and Business Services beginning January 1, 2025. Modifies the definition of "pharmacy benefit manager" and imposes new requirements on pharmacy benefit managers. Restricts audits of pharmacy claims for reimbursement.

Requires pharmacy benefit managers to report specified information to the department on an annual basis.

Imposes new requirements with respect to the insurance coverage of 340B drugs.

Protects from public disclosure certain information provided to or developed by the Oregon Prescription Drug Program.

Declares an emergency, effective on passage.

OPEN GOVERNMENT IMPACT

Legislative Counsel has not adopted standards for drafting measures that establish exemptions from disclosure of public records.

This measure exempts from public disclosure:

a) Contracts and amendments to contracts with pharmacies or pharmacy services administrative organizations, as well as pharmacy benefit managers' provider manuals, submitted to the Department of Consumer and Business Services by pharmacy benefit managers.

b) Certain sensitive business, commercial or financial information that is provided to or developed by the Oregon Prescription Drug Program in connection with purchasing prescription drugs or contracting for the services of a pharmacy benefit manager or pharmacy networks.

If those public records that could be subject to public disclosure were instead subject to mandatory disclosure under public records law, the public could gain access to contracts, contract amendments, and provider manuals submitted to the department by pharmacy benefit managers, as well as sensitive business, commercial or financial information related to purchasing prescription drugs or contracting for pharmacy services.