

The background features abstract, overlapping geometric shapes in various shades of blue, ranging from light sky blue to deep navy blue. These shapes are primarily located on the left and right sides of the frame, creating a modern, dynamic feel. The central area is a plain white space where the text is located.

# New Mexico

Legislative updates

# PBM legislation in New Mexico

## Licensure

- ▶ Licensing provisions provide for the annual renewal of license and promulgation of rules governing licensure by the SOI.
  - ▶ Section 59A-61-3 NMSA 1978
  - ▶ 2014 Act required minimal information
  - ▶ 2019 amendments allows Superintendent of Insurance (SOI) to set forth licensing requirements by rule. The rules are forthcoming.
- ▶ PSAOs are required to register with the SOI. 59A-61-8

# PBM legislation in New Mexico

## Reimbursement

- ▶ Requires objective and verifiable sources for drug pricing. 59A-61-4(A)
- ▶ Requires disclosure of derivative sources for formulating MAC prices for a particular provider upon request. 59A-61-4(D)(1)
- ▶ Prohibits a PBM from paying a pharmacy less than it pays an affiliate. 59A-61-4(B)
- ▶ Allows for a pharmacy to file an appeal of a PBM's reimbursement rate appeals to be taken 21 business days after a pharmacy receives its reimbursement list. 59A-61-4(D)(5)(c)
- ▶ Allows for a pharmacy to appeal reimbursement disputes directly to PBM or through its PSAO. 59A-61-4(D)(4)
- ▶ If an appeal is successful, allows the pharmacy and similarly situated network pharmacies to resubmit claim at updated MAC price. 59A-61-4(D)(7) and (10)
- ▶ If a PBM does not respond to an appeal on MAC list reimbursement pricing within 14 business days it is granted by default. 59A-61-4(6)
- ▶ Requires PBM to provide access to the MAC list to the superintendent and all network pharmacies. 59A-61-4(D)(11)

# PBM Legislation in New Mexico

## Contracts

- ▶ Clawbacks: NM law prohibits recoupment resulting from low sales of certain drugs or non-compliance by patients (scores and metrics or both). 59A-61-5(F)
- ▶ Prohibits PBMs from charging a fee for a service unless it is itemized in a contract between a PBM and a pharmacy. 59A-61-7(B)
- ▶ Requires a PBM to provide specific documentation to a pharmacy or the superintendent within 7 days upon request. 59A-61-5(G)
- ▶ Prohibits gag orders on pharmacists informing patients about lower cost options. 59A-61-5(E)(3)