

ACTION:  
EMERGENCY

DATE: 09/12/2002  
03:19 PM

173-6-08

**Administration of prescription drug programs.**

- (A) No administrator of a prescription drug discount program may charge a fee to cardholders for the right to participate in the prescription drug discount program.
- (B) An administrator shall permit any pharmacy willing to comply with the administrator's terms and conditions for participation in the program's network to participate in any network used by the administrator for the program
- (C) No administrator may require a pharmacy or drug manufacturer to participate in the program's network as a condition of participation in any other network or coverage program operated by the administrator.
- (D) An administrator may negotiate with one or more drug manufacturers for discounts in drug prices or rebates. To the extent that a discount is achieved through rebates or discounts in prices that an administrator negotiates with drug manufacturers, the administrator shall use the rebates or discounts to do the following:
- (1) Reduce any costs to cardholders;
  - (2) Achieve discounts for cardholders;
  - (3) Cover any administrative costs of the program; and,
  - (4) Create a financial incentive program through which the administrator shall distribute a portion of the rebate payments it receives to its participating pharmacies.
- (E) Not later than one month after the end of each twelve-month period that one or more prescription drug discount card programs are in operation, each administrator shall provide the department with the following information:
- (1) The number of prescription drug discount cardholders;
  - (2) The number of cardholders who used the card at least once in the immediately preceding twelve-month period;
  - (3) Th total costs savings to all cardholders generated by the program;
  - (4) The average cost savings to a cardholder per prescription;
  - (5) The source and method of cost savings under the program;

- (6) The names of the drugs that are discounted under the program, listed according to major drug category;
- (7) For each participating pharmacy, the number of times in the twelve-month period that the pharmacy's customary and usual price was lower than the price offered under the prescription drug discount program;
- (8) The number of pharmacies participating in the program;
- (9) Any costs incurred by participating pharmacies to participate in the program.

Effective: 9/12/2002

CERTIFIED ELECTRONICALLY

---

Certification

09/12/2002 03:19 PM

---

Date

Promulgated Under: 119.03  
Statutory Authority: 173.02, 173.06, 173.061  
Rule Amplifies: 173.06, 173.061, 173.071  
Prior Effective Dates: None