

SB21-175

SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Kirkmeyer

1 Amend printed bill, page 23, after line 4 insert:

2 "(7) NOTWITHSTANDING ANY PROVISION OF THIS PART 13 TO THE
3 CONTRARY, AN UPPER PAYMENT LIMIT ESTABLISHED BY THE BOARD FOR
4 ANY PRESCRIPTION DRUG IS UNENFORCEABLE UNLESS AND UNTIL THE
5 UPPER PAYMENT LIMIT IS APPROVED BY THE LEGISLATIVE AUDIT
6 COMMITTEE, AS DESCRIBED IN SECTION 10-16-1314 (3).".

7 Page 30, after line 9 insert:

8 "(3) (a) ON OR BEFORE JANUARY 1, 2022, AND ON OR BEFORE
9 JANUARY 1 EACH YEAR THEREAFTER, THE CHAIR OF THE BOARD SHALL
10 SUBMIT TO THE LEGISLATIVE AUDIT COMMITTEE A REPORT INCLUDING:

11 (I) A CONCISE GENERAL STATEMENT RELATING TO ANY UPPER
12 PAYMENT LIMIT PROPOSED BY THE BOARD DURING THE PRECEDING YEAR;

13 (II) A DESCRIPTION OF THE BOARD'S DETERMINATIONS IN THE
14 AFFORDABILITY REVIEW FOR THE PROPOSED UPPER PAYMENT LIMIT AND A
15 DESCRIPTION OF THE BASIS FOR THOSE DETERMINATIONS;

16 (III) A DESCRIPTION OF ALL OF THE CONSIDERATIONS THE BOARD
17 IS REQUIRED TO MAKE IN ITS REVIEW, AS DESCRIBED IN 10-16-1306;

18 (IV) A LIST OF ANY THIRD-PARTY CONTRACTORS THAT THE BOARD
19 CONSULTED IN ITS AFFORDABILITY REVIEW AND COPIES OF ANY WORK
20 PRODUCT THE CONTRACTORS PRODUCED FOR THE BOARD TO INFORM THE
21 REVIEW;

22 (V) ALL MINUTES OF THE PROCEEDINGS RELATED TO THE
23 PROPOSED UPPER PAYMENT LIMIT, INCLUDING ANY WRITTEN OR ORAL
24 TESTIMONY AND A LIST OF PARTIES WHO TESTIFIED ON THE PROPOSED
25 UPPER PAYMENT LIMIT;

26 (VI) THE IMPACT THE PROPOSED UPPER PAYMENT LIMIT IS LIKELY
27 TO HAVE ON THE AVAILABILITY OF THE PRESCRIPTION DRUG IN QUESTION,
28 ESPECIALLY FOR MEDICALLY UNDERSERVED POPULATIONS AS DEFINED 42
29 CFR 51c.102; AND

30 (VII) THE PROPOSED EFFECTIVE DATE OF THE UPPER PAYMENT
31 LIMIT.

32 (b) FOR THE PURPOSES OF THIS PART 13, THE LEGISLATIVE AUDIT
33 COMMITTEE SHALL CONSIDER ANY UPPER PAYMENT LIMIT THAT WAS
34 ESTABLISHED BY THE BOARD PURSUANT TO SECTION 10-16-1307 DURING
35 THE PRECEDING CALENDAR YEAR. AFTER SUCH CONSIDERATION, THE
36 LEGISLATIVE AUDIT COMMITTEE SHALL VOTE TO APPROVE OR DISAPPROVE
37 THE UPPER PAYMENT LIMIT FOR THE PURPOSES OF SECTION 10-16-1307
38 (7).".

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