



**THE STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT**


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John Elias
Commissioner

Alexander K. Feldvebel
Deputy Commissioner

Bulletin

Docket No: INS 19-028-AB

To: All entities operating as Pharmacy Benefits Managers
From: John Elias, Commissioner 
Date: December 19, 2019
Re: Registration of all Pharmacy Benefits Managers

During its 2019 session, the legislature enacted a new chapter, RSA 402-N, for the registration and regulation of pharmacy benefits managers. The Department is currently in the process of amending administrative rules Ins 2704 to include registration requirements. A draft of the proposed rules can be found on the Department's website at <https://www.nh.gov/insurance/legal/index.htm>.

RSA 402-N becomes effective January 1, 2020. All persons or entities acting as a pharmacy benefits manager in New Hampshire must register with the Department no later than **March 1, 2020**. Registration forms are now available on the Department's website at <https://www.nh.gov/insurance/companies/applications/index.htm>. The pharmacy benefits manager does not need to fill out page 3 of that application or provide biographical information or organizational documents if it is already licensed in New Hampshire as a third party administrator.

Who Must Register: All pharmacy benefits managers operating in New Hampshire.

"Pharmacy benefits manager" is defined as a person, business, or other entity, including a wholly or partially owned or controlled subsidiary of a pharmacy benefits manager, that, pursuant to a contract with a health carrier, manages the prescription drug coverage provided by the health carrier, including, but not limited to, providing claims processing services for prescription drugs, performing drug utilization review, processing drug prior authorization requests, adjudication of grievances or appeals related to prescription drug coverage, contracting with network pharmacies, and controlling the cost of covered prescription drugs. RSA 402-N:1, VIII (a).

“Health carrier” means an entity subject to the insurance laws and rules of this state, or subject to the jurisdiction of the commissioner, that contracts or offers to contract to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services, including an insurance company, a health maintenance organization, a health service corporation, or any other entity providing a plan of health insurance, health benefits, or health services. RSA 402-N:1, III and 420-J:3, XIX.

"Pharmacy benefits manager" does not include any:

- (1) Health care facility licensed in this state;
- (2) Health care professional licensed in this state;
- (3) Consultant who only provides advice as to the selection or performance of a pharmacy benefits manager;
- (4) Service provided to the Centers for Medicare and Medicaid Services; or
- (5) Health insurer licensed in this state if the health insurer or its subsidiary is providing pharmacy benefits management services exclusively to its own insureds.

RSA 402-N:1, VIII (b).

Renewal: All PBMs must renew their registration annually by March 1. Beginning in 2021, all PBMs must submit an annual report prior to March 1 in order to renew their registration. Annual data reports must be filed in an electronic workbook as discussed in proposed administrative rule Ins 2704.04 (c). Registrations will not be renewed unless the annual data report has been submitted.