



Prepared by the Taylor Group, Inc.

2010 Legislative End of Session Report & Priorities for Oklahoma Pharmacists Association

1. **SB 1389** By Sen. Jolley, R-Edmond and Rep. Cox, R-Grove - - OPhA request bill authorizing the Board of Pharmacy to hire an attorney.
Signed by the Governor.
2. **HB 3166** By Rep. Wes Hilliard, D-Sulphur – Proposed modifications to existing Pharmacy Benefits Management legislation.
Bill was not heard in House Health Committee.
3. **HB 3318** By Rep. Scott Martin, R-Norman – Filed as a shell bill under the Pharmacy Act as requested by Astellas Pharma.
Bill was not heard in House Rules Committee.
4. **SB 1283** By Sen. Wilson, D-Tahlequah – Proposed allowing licensed pharmacists and drug wholesalers in the state to purchase prescription drugs from certified Canadian suppliers.
Bill was not heard in Senate Health Committee.
5. **SB 1300** By Sen. Wilson, D-Tahlequah – Proposed that pharmacies should not charge a co-payment for prescription drugs that is greater than the cash value of the prescription drug. AB 1300 was not heard in Senate Health. Later in session, Sen. Wilson added the same language in the form of an amendment to **HB 3251** by Rep. Sue Tibbs, R-Tulsa and Sen. Brian Crain, R-Tulsa – a methadone registry act. Both authors of HB 3251 agreed to remove the Wilson amendment in the final form of the bill. HB 3251 passed without the Wilson amendment.
6. **HB 3251** by Rep. Sue Tibbs, D-Tulsa and Sen. Brian Crain, R-Tulsa – a methadone registry act. Rep. Mike Brown, R- Tahlequah attempted to amend the CCR for HB 3251 to prevent prescription price discrimination for insurance pay-vs.-cash. The amendment was not accepted.
7. **SB 1754** by Sen. Leftwich, D-Oklahoma City and Rep. Denney, R-Cushing - redefines official compendium as authoritative compendia as identified by the Secretary of the United States Dep. of Health and Human Services.
Signed by the Governor.

8. **SB 1597** by Sen. Stanislawski, R–Tulsa/Jenks and Rep. John Wright, R–Broken Arrow – Proposed limiting all State Board and Commission Members to 2 six-year terms of appointment.
Bill passed Senate and House Committees but was not heard on the House Floor.
9. **HJR 1073** By Rep. Mike Reynolds, R–Oklahoma City - proposed that all non-appropriated state agencies (including Board of Pharmacy) would incur the same budget reduction during a revenue shortfall as agencies that receive state appropriations.
Bill was defeated in House Rules Committee.
10. **SB 1891** By Sen. Sykes and Rep. Pam Peterson, R–Tulsa – Created the Freedom of Conscience Act prohibiting employers from discriminating against employees for refusing to perform specified acts based on religious beliefs.
Signed by the Governor.
11. **SB 1857** By Sen. Harry Coates, R–Seminole and Rep. Dan Sullivan, R –Tulsa - - Bin Pricing Bill – Fines reduced; violations reduced; price posting requirements eliminated; Positive violations no longer count against passing grade; Passing grade reduced to 95%.
Awaiting Governor’s signature.
12. **SB 1860** By Sen. Anthony Sykes, R-Newcastle and Rep. Jason Nelson, R-Oklahoma City - - Proposed to eliminate Oklahoma’s current Minimum Mark-up / Unfair Sales Act.
Bill passed Senate finance Committee, but was not heard on Senate Floor. Interim Study Expected.
13. **HB 2437** By Rep. Doug Cox, R-Grove and Sen. Mike Johnson, R-Kingfisher - - Protected Pharmacist Medicaid Prescription Dispensing Fee. Passage of HB 2437 provides for a 1% premium fee on Medical Insurance claims that will raise funding for state match for Federal Medicaid Funds.
Signed by the Governor.
14. Proposed Rules by the State Board of Pharmacy. These rules focused on Collaborative Therapy clarifications related to liability and payment. These Rules encountered significant physician opposition. Rules were withdrawn from the Governor’s office.
15. Workers Compensation Reform – major provisions as contained in **SB 1973, HB 1611, HB 2650 and HB 2652** include:
 - Require Senate confirmation on any Worker’s Compensation judge;
 - Reduce the number of Worker’s Compensation Court judges from ten to eight;
 - Require five judges to be permanently assigned to Oklahoma City and three to Tulsa;
 - Tighten up definitions of “major cause” and “objective medical evidence”;
 - Cap the Partial Payment Disability (PPD) rate at \$323/week for five years;

- Limit Permanent Total Disability to 100 percent Social Security retirement age or 15 years, whichever is longer;
- Increase the power of the Physician Advisory Council and require the court to follow its recommendations unless there is clear and convincing evidence to the contrary;
- Allow the Supreme Court review work comp claims just like any other civil case;
- Require that the claimant shall be in attendance unless all parties agree, and all parties shall be represented during the entire mediation by a person with full settlement authority to settle any issue of the claim;
- Require all claims adjusters to have six hours of continuing education on Oklahoma's workers' compensation act as part of the required twenty-four hours of continuing education;
- Clarify light-duty work and the employee's refusal to participate;
- Set up a task force to look at vocational rehabilitation for injured workers;
- Unless recommended by the treating doctor at the time claimant reaches maximum medical improvement, Continuing Maintenance Medical shall not be awarded by the Worker's Compensation Court unless there is clear and convincing evidence to the contrary; and
- Tighten up benefits for soft tissue injuries

16. SJR 61 By Pro-Temp Glenn Coffee, R- Oklahoma City and Speaker Chris Bengel, R - Tulsa - - Response to Supreme court ruling to allow counties to collect intangible personal property tax. Provides a 2-year "band aid" / "in lieu of tax" to prevent counties from pursuing collection. SJR 61 creates a large task force to deal with the issue and make a recommendation by January 1, 2012.

Awaiting Governor's Signature.

17. Tax Credits - SB 1590 by Sen. Johnson and Rep. Miller suspended the two largest business tax credits until their sunset date December 31, 2011:

- a. Rural Small Business Capital Credit
- b. Small Business Capital Credit

SB 1267 by Sen. Mazzei and Rep. Hickman suspended 30 tax credits including Historic Restoration Tax Credits until their sunset date July 1, 2012.

HB 3024 by Rep. Hickman and Sen. Mazzei provides that three of the previously suspended tax credits will “accrue” during the time that the credit is suspended (July 1, 2010 – July 1, 2012.)

- a. Historic Restoration
- b. Investment / New Jobs
- c. Wind

- 18.** Separately attached is a 3 page working document of both cuts and revenue raising measures that were the basis for next year’s FY’11 State budget.