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THE PHOENIX LAW GROUP OF *Feldman Brown Wala Hall & Avena, PLC*

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September 2011

PHARMACY BENEFITS MANAGEMENT UPDATE

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State Law Update

Most states have wrapped up their 2011 legislative sessions, and we saw a lot of activity from the states in the first half of 2011. Although most regular sessions are over, we expect to see a few more bills from states still in session or from special sessions, as well as state regulations (which are promulgated year-round).

Hot topics in the first half of 2011 include:

Electronic Prescribing - Kentucky, Florida, Georgia, Idaho, Indiana, Kansas, Louisiana, Mississippi, North Carolina, North Dakota, New Hampshire, New Jersey, Nevada, Oklahoma, Texas, Utah and Washington all adopted new or revised rules relating to electronic prescriptions and ranging from the establishment of groups to study electronic prescribing, allowing electronic prescribing for controlled substances, and/or establishing electronic prescribing standards, among other things.

Utilization Review - Arkansas, Iowa, Kansas, Mississippi, North Dakota, Nevada, Oklahoma, Oregon, Virginia, Vermont and Washington all adopted new or revised rules relating to prior authorization, step therapy, adverse determinations, and/or external reviews.

Audits - Arkansas, Kansas, Maryland, North Carolina, North Dakota, Oklahoma, Tennessee and Texas adopted new or revised rules relating to pharmacy and/or prescription program audits.

Licensure - California, Georgia, Illinois, Massachusetts, Maryland, Mississippi and Vermont adopted new or revised rules relating to PBM and TPA licensure, reporting and anti-fraud plans.

Medicaid Subrogation - New Jersey, Ohio, Oklahoma and West Virginia all passed new or revised rules regarding data matching and/or the state's right to recoveries.

Disease Management - Kentucky, Florida, Ohio and Tennessee adopted new or

ABOUT US

The Phoenix Law Group of Feldman Brown Wala Hall and Agena, PLC is one of the few law firms in the country with an entire practice group devoted exclusively to pharmacy benefits and operations. What sets our practice group apart? For starters, it is made up entirely of attorneys that have in-house counsel experience, giving us significant expertise in an extremely complex industry.

Primarily representing pharmacy benefit managers (PBMs) and health plans, we work with our clients daily as an extension of their in-house legal departments. Because we get to know our clients thoroughly, we understand how to achieve their business goals, and are able to provide each with pragmatic advice and workable solutions. From contract development and negotiation, to structuring operations to meet regulatory requirements, our experience allows us to handle a client's needs seamlessly without wasted time getting up to speed.

revised rules relating to the establishment of MTM programs and/or the operation of health and wellness programs.

Consumer Discount Card - Utah, Rhode Island and Washington adopted new or revised rules relating to licensure, required notices, and agents for service of process.

We also saw activity in the states with respect to prompt pay, electronic health records and confidentiality, false claims, online and standard provider credentialing, formulary change limitations and disclosure, and electronic identification cards.

For the second year in a row, the Phoenix Business Journal has named The Phoenix Law Group Of Feldman Brown Wala Hall & Agena to the list of largest specialty firms in Phoenix for its Pharmacy Benefits and Operations practice.

For additional information that impacts the pharmaceutical benefit industry, visit PLGTRACK.COM or contact Samantha Brown (sbrown@phoenixlawgroup.com), Laurel Wala (lwala@phoenixlawgroup.com), or Cami Agena (cagena@phoenixlawgroup.com) at The Phoenix Law Group (www.phoenixlawgroup.com).

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