



Georgia Pharmacy ASSOCIATION

Are your patients still being steered?

Last year, the Georgia General Assembly passed — and the governor signed — HB 233, the Pharmacy Anti-Steering and Transparency Act. In a perfect world, that would mean the practice of steering patients would have stopped on January 1st.

Unfortunately, it's not a perfect world, and GPhA continues to hear from members that PBM steering continues. Despite the law, patients are still being forced to abandon their neighborhood pharmacies in favor of PBM-owned drugstores and mail-order pharmacies.

How can they continue to do that? In other states, PBMs have claimed that they are not subject to state laws controlling health and retirement plans — that only the federal government has the right to regulate them, so they may be choosing to ignore the new law. Or, it could be as simple as they are unaware of it.

GPhA members have reported instances where when they or their patient has informed the insurer of Georgia's law, that the insurer has backed down and approved the prescription to be filled by them. One member reported, "they have backed down 95% of the time." Of course, that leaves 5% of the time and in our opinion that still is 5% too many. So, we encourage you and your patients not to just accept the initial rejection as the final word.

WHAT YOU NEED TO KNOW

- In order to overcome the PBM's claim, HB 233 had to be written in a way that only allows *patients* who believed they have been steered to file a complaint with the Georgia Board of Pharmacy.
- It is *not* against the new law for a PBM or insurer to send a message mandating the use of their affiliated pharmacy.
- The law has *not* been broken if you receive a point-of-sale rejection when you process such a prescription.
- BUT IT *MAY BE* AGAINST THE LAW for those PBM-affiliated pharmacies to *fill and bill* for those prescriptions.

These complaints will not be resolved overnight. The Board of Pharmacy will take the time needed to assess and we have every confidence it will decide on an appropriate course of action in the event of a violation is determined to have happened.

WHAT TO DO IF YOU THINK A PATIENT IS BEING STEERED

If a patient shows you a message from their PBM or insurer, or if a prescription is rejected at the counter because of what you think is steering...

- Let the patient know what you believe has happened. Explain that, once they fill the prescription at the affiliate pharmacy, that's when the law may be broken, and that's when they can file a complaint with the Board of Pharmacy if they value the service you provide and want to continue having their prescriptions filled through you.
- Give them a copy of the attached handout, (feel free to incorporate it into your own newsletters, counter cards, emails, etc.) which explains the steps for filing a complaint with the Board of Pharmacy. Go to **GPhA.org/stopsteering** to download a printable copy of that handout (or tell patients to go to that page).
- If there was a point of sale rejection, provide the patient with a copy of the rejection and keep one for yourself. (It is good practice to keep track of patients you believe have been steered.)
- After a couple of days, follow up with your patient to see if they had their prescription filled at the affiliated pharmacy or mail order pharmacy. If so, encourage them to report it to the Board of Pharmacy.
- **Do not** file a complaint with the Board of Pharmacy yourself without consulting with your legal counsel. That could run afoul of federal and state patient privacy laws!

GPhA and AIP are actively involved in this fight. Please continue to keep us informed as well as your legislators and please plan on attending Pharmacist Day(s) at the Capitol this year. We'll be sending out more information and dates of these events soon.

Are you being steered?

Have you been required to use *another* pharmacy or mail order to fill your prescriptions instead of *your* regular pharmacy?

That may be against a new Georgia law.

Protect your right to choose! If you'd like to continue utilizing the care and services of your pharmacy here's what you need to do:

- Save any records — letters or e-mails from your insurer telling you what pharmacy you “have” to use.
- If you had a phone conversation, make a note of the date, time, and person you spoke with.
- If you tried to fill a prescription at your neighborhood pharmacy but couldn't because the pharmacist told you that you must use another pharmacy or mail order, ask the pharmacist for a copy of the “point of sale rejection.”
- **When you fill your prescription at the other pharmacy, save any records, including the receipt.**

Then file a complaint with the Board of Pharmacy. It's quick and easy to do!

Online: Go to

<https://gbp.georgia.gov/georgia-professional-licensure-complaint-form> and fill out the short form located there. If you like, you can use the sample letter as a template to fill in the “Detailed Complaint Information” box at the bottom of the online form. If you use the online form, just hold on to your receipts and records.

By mail: Write to the Board of Pharmacy using the sample letter (see the next page).

Simply add your contact information in the box at the top and fill in the name of the pharmacy you believe you were forced to use.

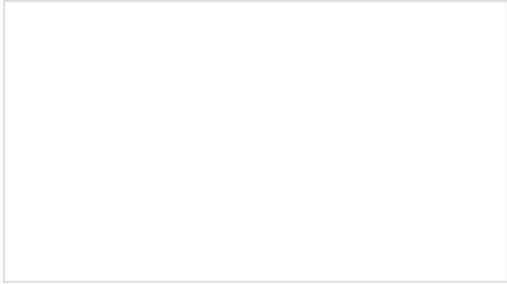
Attach your receipt from the other pharmacy, and a copy of any letter you received that says you must use it.

Sign and mail the letter. That's it!

Your community pharmacist is on your side

Your local pharmacist knows you, your medication, and your needs. Don't be forced to leave your neighborhood healthcare provider!

Your health, your pharmacy, your choice!



Georgia Board of Pharmacy
2 Peachtree Street
Atlanta, GA 30303

To the Board:

On ____/____/____ instead of the pharmacy I normally use, I was ordered by my insurer to use the _____ pharmacy to fill my most recent prescription.

I believe I was steered to the pharmacy and that it may have been in violation of Georgia law, specifically O.C.G.A. 26-4-119.

I do not believe I should be forced to use a pharmacy against my will. *I believe all pharmacies should be subject to Georgia's laws and Board of Pharmacy oversight.*

I have attached records, including a copy of the receipt from the pharmacy where I was forced to fill my prescription. If you require any more information, please contact me and I will provide it.

Thank you for your attention to this.

Sincerely,