

Pharmaceutical Manufacturer Fee

~~7701-10.100~~ Pharmaceutical Manufacturer Fee ~~(11/01/2008, 08-03)~~

~~(a) Act 80, of the 2007 legislative session, an Act relating to increasing transparency of prescription drug pricing and information, established a manufacturer fee under Pursuant to 33 V.S.A. § 2004. A fee shall be collected annually by the Agency of Human Services from each pharmaceutical manufacturer or labeler of prescription drugs that are paid for by the Office-Department of Vermont Health Access for individuals participating in Medicaid, ~~the Vermont Health Access Plan (VHAP), Dr. Dynasaur or, VPharm, VHAP Pharmacy, VScript, or VScript Expanded.~~ The fee shall be ~~0.5-1.5~~ 0.5-1.5 percent of the previous calendar year's prescription drug spending by the office-Department of Vermont Health Access and shall be assessed based on manufacturer labeler codes ~~as used in the Medicaid rebate program. The fee shall be deposited in the evidence-based education and advertising fund established by 33 V.S.A. § 2004a. This fee shall fund activities, including the evidence-based education program, established by 18 V.S.A. § 4622.~~~~

~~(b)~~

~~(e)(a) The evidence-based education program will provide information and education on the therapeutic and cost-effective use of prescription drugs, as well as the collection and analysis of information on pharmaceutical marketing activities under sections 4632 and 4633 of Title 18, and analysis of drug data needed by the attorney general's office for enforcement activities concerning prescription drugs.~~

~~(d)(b) The OVHA-Department of Vermont Health Access shall annually provide the manufacturer or labeler with an invoice reflecting the fee described in subsection (a) above, ~~written bill in the amount of 0.5 percent of the payments made on claims submitted during the previous calendar year regarding the manufacturer's or labeler's prescription drugs.~~ This amount will be based on paid claims data ~~(data used to reimburse pharmacies)~~ under the Sstate's programs. The manufacturer or labeler shall remit the invoiced amount according to instructions provided by OVHAthe Department of Vermont Health Access.~~

~~(c) In the event the manufacturer or labeler believes an error in billing has occurred, the manufacturer or labeler ~~must~~ shall notify the OVHA-Department of Vermont Health Access in writing within ~~thirty-30~~ thirty-30 days of ~~the~~ receipt of the bill. This notification ~~must shall~~ be accompanied by written materials setting forth the basis for the requested review.~~

~~The billing data will be verified and adjusted if appropriate, which may include a credit as to the amount of the bill, or a refund of amounts paid.~~

~~The OVHA shall maintain electronic claims records for five quarters after the end of a billing calendar year that will permit the manufacturer labeler to verify through an audit process the billing invoices provided by the OVHA.~~

~~(e)(d) The Department of Vermont Health Access shall maintain on its website a list of the manufacturers or labelers who have failed to provide timely payment. Timely payment means payment received by the Department of Vermont Health Access within 30 days or less of the date that the written invoice was provided to the manufacturer or labeler, or upon resolution of the review process described in subsection (c) above. This list will be updated at least annually.~~