



**Testimony for Senate Bill 351  
Establishing the Pharmacy Patients Fair Practices Act  
House Insurance Committee  
By Aaron Dunkel, Executive Director  
Kansas Pharmacists Association, Topeka Kansas**

Chairman Vickrey and Members of the Committee:

I am Aaron Dunkel, Executive Director for the Kansas Pharmacists Association (KPhA). The Kansas Pharmacists Association is the statewide professional association that represents Kansas pharmacists, pharmacy technicians and student pharmacists from all practice settings. Thank you for allowing me to testify on behalf of KPhA in support of Senate Bill 351—Establishing the Pharmacy Patients Fair Practices Act.

This bill provides protections for patients related to the cost of their medications and protects the right of the pharmacist to discuss lower cost medication alternatives with their patients. SB 351 is a compromise bill that has been negotiated between the pharmacists and the Pharmacy Benefit Managers (PBMs), with the assistance of the Senate Financial Institutions and Insurance Committee and Chairman Longbine. The bill focuses on eliminating practices, that historically, have been found in contracts provided to pharmacies by pharmacy benefit managers (PBMs).

There are two common practices we are asking to be restricted in this bill. Nothing in the bill is intended to limit competition between pharmacies, just to eliminate practices that limit the patient's access to information about their medication costs and deter a provider's ability to have an open conversation about costs with their patient.

The first practice we are asking to restrict is that of a patient of a commercial insurance plan being required to pay a copay for their medications that is greater than what the patient would pay for the medication if they were to simply pay with cash and not use insurance. This allows for transparency at the point of sale of the relationship of the patient copay to the cash price of the medication. We believe this is important to ensure that the patient is paying no more than necessary for their medications.

SB 351 would also ensure that pharmacists can discuss lower cost medication alternatives with their patients. We believe that if there are less expensive options for the patient, that are therapeutically equivalent, this conversation should be allowed to occur. To address this issue, we are asking for protection from contracts that disallow pharmacists/patient conversations regarding these available alternatives. An example of this would be talking about and then substituting an equivalent generic for a brand name medication. In many contracts PBMs have limited pharmacies in their ability to discuss costs or treatment alternatives with patients. It is our sincere belief that the ability to discuss medication options and to provide medication reviews with patients constitutes one of the greatest benefits of the patient/pharmacist relationship. These kinds of reviews contribute to positive patient health outcomes, and in the long run reduce health care costs.



I would like to reiterate in closing that the provisions of SB 351 are a compromise reached between pharmacists and the PBM's representatives. The bill is intended to ensure that patients are allowed access to information about their medication costs and medication alternatives, while also allowing their provider to have open and frank conversations with them about the cost impact of those alternatives available to them. Thank you for your time and consideration today, I would be happy to stand for questions at the appropriate time.

Sincerely,

A handwritten signature in blue ink that reads "Aaron Dunkel". The signature is written in a cursive style with a large, sweeping initial "A".

Aaron Dunkel  
Executive Director  
Kansas Pharmacists Association