New Mexico

Legislative updates

PBM legislation in New Mexico
Licensure

- Licensing provisions provide for the annual renewal of license and promulgation of rules governing licensure by the SOI.
  - Section 59A-61-3 NMSA 1978
  - 2014 Act required minimal information
  - 2019 amendments allows Superintendent of Insurance (SOI) to set forth licensing requirements by rule. The rules are forthcoming.
- PSAOs are required to register with the SOI. 59A-61-8

PBM legislation in New Mexico
Reimbursement

- Requires objective and verifiable sources for drug pricing. 59A-61-4(A)

- Requires disclosure of derivative sources for formulating MAC prices for a particular provider upon request. 59A-61-4(D)(1)

- Prohibits a PBM from paying a pharmacy less than it pays an affiliate. 59A-61-4(B)

- Allows for a pharmacy to file an appeal of a PBM's reimbursement rate appeals to be taken 21 business days after a pharmacy receives its reimbursement list. 59A-61-4(D)(5)(c)

- Allows for a pharmacy to appeal reimbursement disputes directly to PBM or through its PSAO. 59A-61-4(D)(4)

- If an appeal is successful, allows the pharmacy and similarly situated network pharmacies to resubmit claim at updated MAC price. 59A-61-4(D)(7) and (10)

- If a PBM does not respond to an appeal on MAC list reimbursement pricing within 14 business days it is granted by default. 59A-61-4(6)

- Requires PBM to provide access to the MAC list to the superintendent and all network pharmacies. 59A-61-4(D)(11)

PBM Legislation in New Mexico
Contracts

- Clawbacks: NM law prohibits recoupment resulting from low sales of certain drugs or non-compliance by patients (scores and metrics or both). 59A-61-5(F)

- Prohibits PBMs from charging a fee for a service unless it is itemized in a contract between a PBM and a pharmacy. 59A-61-7(B)

- Requires a PBM to provide specific documentation to a pharmacy or the superintendent within 7 days upon request. 59A-61-5(G)

- Prohibits gag orders on pharmacists informing patients about lower cost options. 59A-61-5(E)(3)