



HUMAN SERVICES  
DEPARTMENT

Susana Martinez, Governor  
Brent Earnest, Secretary  
Nancy Smith-Leslie, Director

October 29, 2018

Dear Pharmaceutical Manufacturers:

The Human Services Department Medical Assistance Division (MAD) is reminding manufacturers of the requirement to submit data to the state of New Mexico as mandated by the Reporting Prescription Drug Information Act, HB666, which was passed in the 2003 Regular Session of the New Mexico State Legislature. This legislation requires every drug manufacturer that sells drugs in the state of New Mexico to submit their pricing information to MAD every year for the reporting period of July 1<sup>st</sup> through September 30<sup>th</sup>. The reporting due date is January 15<sup>th</sup> of the year following the reporting period.

Essentially, the Act requires the following: “A person who manufactures a prescription drug, including a generic prescription drug, that is sold in New Mexico, shall file with the human services department: (1) the average manufacturer price for the drug; (2) the price that each wholesaler or pharmacy benefit manager doing business in this state pays the manufacturer to purchase the drug, and (3) the price paid to the manufacturer by any entity in an arrangement or contract that sells or provides prescription drugs in New Mexico without the services of a wholesaler.” The Act goes on to further define the requirements.

Data may be submitted either electronically or via hard copy using the attached file layout and may be in Excel or Comma Delimited Text format. Send reports to MAD using any one of the following methods:

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| <p><b>1. Electronic Submission</b><br/>Email to: <a href="mailto:HSD-DrugReporting@state.nm.us">HSD-DrugReporting@state.nm.us</a></p> <p><b>2. United States Postal Service</b><br/>MAD HB666<br/>P.O. Box 2348<br/>Santa Fe, NM 87504-2348</p> | <p><b>3. Physical Address such as UPS or FedEx</b><br/>MAD HB666<br/>2025 South Pacheco St.<br/>Santa Fe, NM 87505</p> |
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The attached “Prescription Drug Reporting Instructions” gives additional information about the Act and reporting requirements.

Should you have any questions, please contact Diana Huynh at (505) 827-6252. Thank you for your continued compliance.

Sincerely,

Nancy Smith-Leslie, Director

## Prescription Drug Reporting Instructions

- **Reporting Period** - Manufacturers must submit the required data annually based on the prices in effect July 1<sup>st</sup> through September 30<sup>th</sup> of the year (the “Reporting Period”). The data is to be reported annually, but only for this quarter. (Statute § 27-2E-1 B)
- **Reporting Format** - The reporting format is attached. For each data element requested, if the manufacturer has multiple prices during the period, the manufacturer must report the lowest price during that period. If the manufacturer does not have a price that meets the relevant criterion for the requested data element, the manufacturer or wholesaler should report the default value of zero (0) in the data field.
- **AMP:** Manufacturers should report the AMP specifically for New Mexico if that data is accessible. Otherwise, they may report the federal AMP as reported to CMS for the Reporting Period. If customary prompt pay discounts are not included in the federal AMP reported to CMS, the manufacturer shall separately report the customary prompt payment percentage (if any) included in the manufacturer’s contracts with wholesalers that buy directly from the manufacturer. (Statute § 27-2E-1 A1, D)
- **Lowest Prices**
  - **Wholesaler Acquisition Cost:** Manufacturers must report the lowest price paid to the manufacturer during the Reporting Period by a wholesaler physically located in New Mexico. If there are no sales to wholesalers physically located in New Mexico during the reporting period, the manufacturer must report the default value in the data field. (Statute § 27-2E-1 A2)
  - **Price to PBMs:** Manufacturers must report the lowest price paid to the manufacturer during the Reporting Period by a PBM that physically takes possession of the product in New Mexico. If there are no such sales of product in New Mexico during the reporting period, the manufacturer must report the default value in the data field. (Statute § 27-2E-1 A2)
  - **Manufacturers Direct Cost:** Manufacturers should report the lowest price paid to the manufacturer during the Reporting Period by an entity physically located in New Mexico that purchases directly from the manufacturer without the use of a wholesaler. If there are no such sales to an entity physically located in New Mexico during the reporting period, the manufacturer must report the default value in the data field. (Statute § 27-2E-1 A3).

The Reporting Prescription Drug Information Act (HB 666) statute is as follows:

### **§27-2E-1. Average manufacturer price; filing; reporting.**

A. A person who manufactures a prescription drug, including a generic prescription drug that is sold in New Mexico, shall file with the human services department:

- 1) the average manufacturer price for the drug;
- 2) the price that each wholesaler or pharmacy benefit manager doing business in this state pays the manufacturer to purchase the drug; and
- 3) the price paid to the manufacturer by any entity in an arrangement or contract that sells or provides prescription drugs in New Mexico without the services of a wholesaler.

B. The information required under Subsection A of this section shall be filed annually or more frequently, as determined by the human services department. The information required under Subsection A of this section is confidential and shall not be disclosed, pursuant to Section 3 [27-2E-3 NMSA 1978] of this act, and shall not be subject to public inspection pursuant to the provisions of

Section 14-2-1 NMSA 1978.

C. A person who engages in the wholesale distribution of prescription drugs in New Mexico shall file with the human services department information showing the actual price at which the wholesaler or distributor sells a particular drug to a pharmacy.

D. As used in this section, "average manufacturer price" means the average price paid to the manufacturer for the drug in New Mexico, including rebates, discounts and market incentives, after deducting customary prompt-pay discounts.

**THE REPORTING PRESCRIPTION DRUG INFORMATION ACT HB666**  
**SCHEDULE AND FILE LAYOUT**  
**Drug Price Information File Layout: Comma Delimited Text or Excel Format**  
**JANUARY 2018 REVISION**

<b>Column Name</b>	<b>Field Description</b>	<b>Default Value</b>	<b>Type</b>	<b>Size</b>	<b>Comment</b>
d_drug_source_cd	Labeler Code	<b>Required</b> First five digits of NDC code	Text	5	Include leading zeros.
d_cal_yr	Calendar Year for which Report is made	<b>Required</b>	Numeric (yyyy)	4	No slashes Always report July 1-September 30 of the calendar year for which report is made
r_drug_cd	NDC	<b>Required</b>	Text	11	National Drug Code <b>No dashes</b>
d_amp_price	Average Manufacturer's Price	Zero	Numeric	*	Manufacturers may report an AMP for New Mexico if data is available. Otherwise, may report the federal AMP as reported to CMS for the Reporting Period. Do not include 340b pricing. The price is reported per 11-digit NDC unit, as defined in the federal AMP.
d_cust_prompt_pay_percent	Prompt Pay	Zero	Numeric	*	If customary prompt pay discounts are not included in the federal AMP reported to CMS, the manufacturer shall separately report the customary prompt payment percentage included in the manufacturer's contracts with the wholesaler that buys directly from the manufacturer. Complete only if reported AMP does not include prompt pay discounts. Report percentage which should include a decimal point and two decimal places with no "%" sign.
d_wac_price	Wholesaler Acquisition Cost	Zero	Numeric	*	Manufacturers should report the lowest price paid to the manufacturer during the Reporting Period by a wholesaler physically located in NM. If there are no sales to wholesalers physically located in NM during the reporting period, the manufacturer must report the default value in the data field.
d_PBM_price	Lowest Price to PBM	Zero	Numeric	*	Manufacturers should report the lowest price paid to the manufacturer during the Reporting Period by a PBM that physically takes possession of the product in NM. If there are no such sales of product in NM during the reporting period, the manufacturer must report the default value in the data field.
d_direct_cost	Manufacturers Direct cost	Zero	Numeric	*	Manufacturers should report the price paid to the manufacturer during the reporting period by entities physically located in New Mexico that purchases directly from the manufacturer without the use of another wholesaler

\*All prices should contain a decimal point and six (6) decimal places. No dollar sign or commas.

## **Submission Information and Contacts for Reporting Prescription Drug Information**

Phone: (505) 827-6252

Email: [HSD-DrugReporting@state.nm.us](mailto:HSD-DrugReporting@state.nm.us)

### **1. Electronic Submission**

Email to: [HSD-DrugReporting@state.nm.us](mailto:HSD-DrugReporting@state.nm.us)

### **2. US Postal Service (USPS)**

State of New Mexico Human Services Department

Attention: MAD HB666

P.O. Box 2348

Santa Fe, NM 87504-2348

### **3. Physical Address for Direct Deliveries Only, such as UPS, FedEx, etc. (Please use PO Box when utilizing the US Postal Service)**

State of New Mexico Human Services Department

Attention: MAD HB666

2025 South Pacheco St.

Santa Fe, New Mexico 87505