

HB1120/824568/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 1120
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after “Program;” insert “authorizing the Department to establish certain out-of-pocket limits under the Maryland State Retiree Prescription Drug Coverage Program for certain retirees;”; in lines 13 and 19, in each instance, after “enrollment” insert “or special enrollment”; in line 15, after “Program;” insert “authorizing the Department to establish a certain maximum reimbursement amount under the Maryland State Retiree Catastrophic Prescription Drug Assistance Program for certain retirees;”; in line 19, after “period;” insert “requiring the Department, on or before a certain date, to establish the Maryland State Retiree Life-Sustaining Prescription Drug Assistance Program to reimburse participants for certain costs through a certain health reimbursement account or other program; authorizing the Department to establish maximum reimbursement amounts on a certain basis under the Maryland State Retiree Life-Sustaining Prescription Drug Assistance Program; providing that certain individuals shall be automatically enrolled in the Maryland State Retiree Life-Sustaining Prescription Drug Assistance Program;”; in line 21, after “notice;” insert “requiring the Department to provide certain counseling to Medicare-eligible retirees for a certain purpose; requiring the Department to take certain actions in providing certain counseling; requiring the Department to provide to certain retirees a certain customer service hotline and interactive website; providing for the manner in which certain counseling may be provided; authorizing the Department to make an emergency procurement for certain services under certain circumstances; requiring the Department to submit certain quarterly reports to the Governor and certain committees of the General Assembly; requiring the Department to adopt certain regulations;”; in line 23, after “changes;” insert “providing that, notwithstanding any other provision of law, the elimination of certain State prescription drug benefits, the establishment of certain programs, and the provision of a certain notice shall begin on a certain date under certain circumstances; requiring the Secretary of Budget and Management to

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provide certain notice to certain retirees not later than a certain date; declaring the intent of the General Assembly;”; and in line 27, strike “2–508(d)” and substitute “2–508 and 2–509”.

AMENDMENT NO. 2

On page 2, after line 10, insert:

“(a) (1) In this section the following words have the meanings indicated.

(2) “Creditable service” means:

(i) service credited toward a retirement allowance under Division II of this article;

(ii) service while a member of the Judges’ Retirement System under Title 27 of this article;

(iii) service while an employee was employed by the Domestic Relations Division of the Anne Arundel County Circuit Court, prior to transfer on or before July 1, 2002 into the State Personnel Management System, in accordance with § 2–510 of the Courts Article; or

(iv) service while a member of the Maryland Transit Administration Retirement Plan under § 7–206 of the Transportation Article.

(3) (i) “Retiree” means:

1. a former State employee who receives a retirement allowance under Division II of this article;

2. a former employee of the Medical System Corporation, as defined in § 13–301 or § 13–401 of the Education Article, who receives a retirement

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allowance from the Employees' Retirement System of the State of Maryland or the Employees' Pension System of the State of Maryland under Title 22 or Title 23 of this article; or

3. a former employee of the Maryland Transit Administration who receives a Maryland Transit Administration retirement allowance under § 7-206 of the Transportation Article.

(ii) "Retiree" does not include:

1. a member of the faculty or staff of a community college;
2. a teacher or a staff member employed by a county board of education; or

3. an individual who retired under an optional program under Title 30 of this article.

(4) "State service" means service with the State by:

(i) an employee while a member of the Employees' Retirement System or the Employees' Pension System under Title 22 or Title 23 of this article;

(ii) a member of the Judges' Retirement System under Title 27 of this article;

(iii) a teacher while a member of the Teachers' Retirement System or Teachers' Pension System under Title 22 or Title 23 of this article;

(iv) a correctional officer, while a member of the Correctional Officers' Retirement System under Title 25 of this article;

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(v) an employee of the Medical System Corporation, as defined in § 13–301 or § 13–401 of the Education Article, while a member of the Employees’ Retirement System of the State of Maryland or the Employees’ Pension System of the State of Maryland under Title 22 or Title 23 of this article;

(vi) a State Police officer while a member of the State Police Retirement System under Title 24 of this article;

(vii) a law enforcement officer while a member of the Law Enforcement Officers’ Pension System under Title 26 of this article; or

(viii) an employee while a member of the Maryland Transit Administration Plan under § 7–206 of the Transportation Article.

(b) (1) This subsection applies to a retiree who:

(i) began State service on or before June 30, 2011; or

(ii) 1. began State service on or after July 1, 2011; and

2. is a retiree of the Judges’ Retirement System.

(2) A retiree may enroll and participate in the health insurance benefit options established under the Program if the retiree:

(i) ended State service with at least 10 years of creditable service and within 5 years before the age at which a vested retirement allowance normally would begin;

(ii) ended State service with at least 16 years of creditable service;

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(iii) ended State service on or before June 30, 1984;

(iv) retired directly from State service with a State retirement allowance on or after July 1, 1984, and had at least 5 years of creditable service; or

(v) retired directly from State service with a State disability retirement allowance on or after July 1, 1984.

(3) (i) The surviving spouse or dependent child of a deceased retiree who was eligible to enroll may enroll and participate in the health insurance benefit options established under the Program as long as the spouse or child is receiving a periodic allowance under Division II of this article or the Maryland Transit Administration Retirement Plan under § 7-206 of the Transportation Article.

(ii) Subparagraph (i) of this paragraph does not apply to a deceased retiree's spouse or dependent child who receives an Option 1, Option 4, or Option 7 benefit under Division II of this article or a lump-sum payment of benefits under the Maryland Transit Administration Retirement Plan under § 7-206 of the Transportation Article.

(4) (i) If a retiree receives a State disability retirement allowance or has 16 or more years of creditable service, the retiree or the retiree's surviving spouse or dependent child is entitled to the same State subsidy allowed a State employee.

(ii) In all other cases, if a retiree has at least 5 years of creditable service, the retiree or the retiree's surviving spouse or dependent child is entitled to 1/16 of the State subsidy allowed a State employee for each year of the retiree's creditable service up to 16 years.

(iii) Notwithstanding subparagraph (ii) of this paragraph and subsection (a)(4)(i) of this section, if a retiree is an additional employee or agent of the State Racing Commission, for the purposes of determining a retiree's State subsidy,

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creditable service shall be determined with respect to service as an additional employee or agent beginning from the initial date of employment or January 1, 1986, whichever is later.

(c) (1) (i) Except as provided in subparagraph (ii) of this paragraph, this subsection applies to a retiree who begins State service on or after July 1, 2011.

(ii) This subsection does not apply to:

1. a retiree of the Judges' Retirement System; or
2. a former Governor of Maryland who began serving as Governor on or after January 21, 2015.

(2) A retiree may enroll and participate in the health insurance benefit options established under the Program if the retiree:

- (i) ends State service with at least 25 years of creditable service;
- (ii) ends State service with at least 10 years of creditable service within 5 years before the age at which a vested retirement allowance normally would begin;
- (iii) retires directly from State service with a State retirement allowance and has 10 years of creditable service; or
- (iv) retires directly from State service with a State disability retirement allowance.

(3) (i) The surviving spouse or dependent child of a deceased retiree who was eligible to enroll may enroll and participate in the health insurance benefit options established under the Program as long as the spouse or child is receiving a

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periodic allowance under Division II of this article or the Maryland Transit Administration Retirement Plan under § 7–206 of the Transportation Article.

(ii) Subparagraph (i) of this paragraph does not apply to a deceased retiree’s spouse or dependent child who receives an Option 1, Option 4, or Option 7 benefit under Division II of this article or a lump–sum payment of benefits under the Maryland Transit Administration Retirement Plan under § 7–206 of the Transportation Article.

(4) (i) If a retiree receives a State disability retirement allowance or has 25 or more years of creditable service, the retiree or the retiree’s surviving spouse or dependent child is entitled to the same State subsidy allowed a State employee.

(ii) In all other cases, if a retiree has at least 10 years of creditable service, the retiree or the retiree’s surviving spouse or dependent child is entitled to 1/25 of the State subsidy allowed a State employee for each year of the retiree’s creditable service up to 25 years.

(iii) Notwithstanding subparagraph (ii) of this paragraph and subsection (a)(4)(i) of this section, if a retiree is an additional employee or agent of the State Racing Commission, for the purposes of determining a retiree’s State subsidy, creditable service shall be determined with respect to service as an additional employee or agent beginning from the initial date of employment.”;

and after line 26, insert:

“2–509.

(a) (1) This subsection applies to a retiree of an optional retirement program under Title 30 of this article who began service as an employee of the State in the Executive, Legislative, or Judicial Branch of government on or before June 30, 2011.

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(2) (i) Subject to subparagraph (ii) of this paragraph, an individual may enroll and participate in the health insurance benefit options established under the Program if the individual retired under an optional program under Title 30 of this article and:

1. ended service with a State institution of higher education with at least 10 years of service and was at least age 57;

2. ended service with a State institution of higher education with at least 16 years of service; or

3. retired directly from and had at least 5 years of service with a State institution of higher education with a periodic distribution of benefits on or after July 1, 1984.

(ii) 1. For purposes of this subsection only, years of service shall be calculated as follows:

A. except as provided in subparagraph 2 of this subparagraph, a year of service means a period of 12 months during which an employee was a participant in an optional retirement program under Title 30 of this article and the participant's employer made contributions to the participant's account in the Program; or

B. if an employee's work year is an academic year of at least 9 but less than 12 months, a year of service means a period equal to the academic year during which an employee was a participant in an optional retirement program under Title 30 of this article and the participant's employer made contributions to the participant's account in the Program.

2. To determine eligibility for health insurance benefits under this section, each year of service shall be multiplied by the participant's percentage of full-time employment for that year of service.

(iii) The surviving spouse or dependent child of a deceased individual who was eligible to enroll may enroll and participate in the health insurance benefit options established under the Program as long as the spouse or child is receiving a periodic distribution of benefits under an optional retirement program under Title 30 of this article.

(3) (i) An enrollee under this section who was in service with a State institution of higher education at the time of the retirement is entitled to the same State subsidy allowed a retiree under § 2-508(b)(4) of this subtitle. However, except as provided in subparagraph (ii) of this paragraph, the subsidy shall apply only to the costs of coverage for the enrollee and may not apply to any additional costs of coverage for the enrollee's spouse or children.

(ii) If the enrollee has 25 or more years of service as an employee of the State in the Executive, Legislative, or Judicial Branch of government, the enrollee or the enrollee's surviving spouse or dependent child is entitled to the same State subsidy allowed a retiree with 16 or more years of creditable service under § 2-508(b)(4)(i) of this subtitle.

(b) (1) This subsection applies to a retiree of an optional retirement program under Title 30 of this article who begins service as an employee of the State in the Executive, Legislative, or Judicial Branch of government on or after July 1, 2011.

(2) (i) Subject to subparagraph (ii) of this paragraph, an individual may enroll and participate in the health insurance benefit options established under the Program if the individual retired under an optional program under Title 30 of this article and:

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1. ended service with a State institution of higher education with at least 10 years of service and was at least age 57;

2. ended service with a State institution of higher education with at least 25 years of service; or

3. retired directly from and had at least 10 years of service with a State institution of higher education with a periodic distribution of benefits on or after July 1, 2011.

(ii) 1. For purposes of this paragraph only, years of service shall be calculated as follows:

A. except as provided in subparagraph 2 of this subparagraph, a year of service means a period of 12 months during which an employee was a participant in an optional retirement program under Title 30 of this article and the participant's employer made contributions to the participant's account in the Program; or

B. if an employee's work year is an academic year of at least 9 but less than 12 months, a year of service means a period equal to the academic year during which an employee was a participant in an optional retirement program under Title 30 of this article and the participant's employer made contributions to the participant's account in the Program.

2. To determine eligibility for health insurance benefits under this section, each year of service shall be multiplied by the participant's percentage of full-time employment for that year of service.

(iii) The surviving spouse or dependent child of a deceased individual who was eligible to enroll may enroll and participate in the health insurance benefit options established under the Program as long as the spouse or child is receiving

a periodic distribution of benefits under an optional retirement program under Title 30 of this article.

(3) (i) An enrollee under this subsection who was in service with a State institution of higher education at the time of the retirement is entitled to the same State subsidy allowed a retiree under § 2-508(c)(4) of this subtitle. However, except as provided in subparagraph (ii) of this paragraph, the subsidy shall apply only to the costs of coverage for the enrollee and may not apply to any additional costs of coverage for the enrollee's spouse or children.

(ii) If the enrollee has 25 or more years of service as an employee of the State in the Executive, Legislative, or Judicial Branch of government, the enrollee or the enrollee's surviving spouse or dependent child is entitled to the same State subsidy allowed a retiree with 25 or more years of creditable service under § 2-508(c)(4)(i) of this subtitle."

On page 3, in line 30, strike "AND"; and strike beginning with "DECEMBER" in line 31 down through "2018" in line 32 and substitute "MAY 31, 2019; AND

(III) IF THE RETIREE IS ELIGIBLE UNDER § 2-508 OR § 2-509 OF THIS SUBTITLE TO ENROLL AND PARTICIPATE IN THE HEALTH INSURANCE BENEFIT OPTIONS ESTABLISHED UNDER THE PROGRAM".

On page 4, in line 1, after "(2)" insert "(I)"; in the same line, strike "ON" and substitute "SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, ON"; in line 3, strike "REQUIRES PARTICIPANTS TO PAY" and substitute "REIMBURSES A PARTICIPANT FOR"; in lines 3 and 4, strike "LIMITS EQUAL TO" and substitute "COSTS THAT EXCEED"; in line 4, after "ESTABLISHED" insert "FOR NON-MEDICARE-ELIGIBLE RETIREES"; after line 4, insert:

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“(II) THE DEPARTMENT MAY ESTABLISH AN OUT-OF-POCKET LIMIT HIGHER THAN THE LIMITS ESTABLISHED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH FOR A RETIREE WHO QUALIFIES FOR A PARTIAL STATE SUBSIDY.”;

in line 15, after “PERIOD” insert “OR ANY SPECIAL ENROLLMENT PERIOD”; in line 24, strike “AND”; in line 25, strike “JANUARY 1, 2019” and substitute “JUNE 1, 2019;
AND

3. IS ELIGIBLE UNDER § 2-508 OR § 2-509 OF THIS SUBTITLE TO ENROLL AND PARTICIPATE IN THE HEALTH INSURANCE BENEFIT OPTIONS ESTABLISHED UNDER THE PROGRAM”;

in line 26, after “(2)” insert “(I)”; in the same line, strike “ON” and substitute “SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, ON”; and after line 30, insert:

“(II) THE DEPARTMENT MAY ESTABLISH A MAXIMUM REIMBURSEMENT AMOUNT FOR A RETIREE WHO QUALIFIES FOR A PARTIAL STATE SUBSIDY.”.

On page 5, in line 9, after “PERIOD” insert “OR ANY SPECIAL ENROLLMENT PERIOD”; after line 10, insert:

“(F) (1) THIS SUBSECTION APPLIES ONLY TO A RETIREE, A RETIREE’S SPOUSE OR SURVIVING SPOUSE, AND A RETIREE’S DEPENDENT CHILD OR SURVIVING DEPENDENT CHILD:

(I) WHO IS ENROLLED IN:

1. THE MARYLAND STATE RETIREE PRESCRIPTION DRUG COVERAGE PROGRAM ESTABLISHED UNDER SUBSECTION (D) OF THIS SECTION; OR

2. THE MARYLAND STATE RETIREE CATASTROPHIC PRESCRIPTION DRUG ASSISTANCE PROGRAM ESTABLISHED UNDER SUBSECTION (E) OF THIS SECTION; AND

(II) IF THE RETIREE IS ELIGIBLE UNDER § 2-508 OR § 2-509 OF THIS SUBTITLE TO ENROLL AND PARTICIPATE IN THE HEALTH INSURANCE BENEFIT OPTIONS ESTABLISHED UNDER THE PROGRAM.

(2) (I) ON OR BEFORE JANUARY 1, 2020, THE DEPARTMENT SHALL ESTABLISH A MARYLAND STATE RETIREE LIFE-SUSTAINING PRESCRIPTION DRUG ASSISTANCE PROGRAM THAT REIMBURSES A PARTICIPANT FOR OUT-OF-POCKET COSTS FOR A LIFE-SUSTAINING PRESCRIPTION DRUG THAT IS:

1. COVERED BY THE PRESCRIPTION DRUG BENEFIT PLAN IN THE HEALTH INSURANCE BENEFIT OPTIONS ESTABLISHED UNDER THE PROGRAM; AND

2. NOT COVERED BY THE PRESCRIPTION DRUG BENEFIT PLAN UNDER MEDICARE IN WHICH THE PARTICIPANT IS ENROLLED.

(II) THE DEPARTMENT SHALL DEVELOP A LIST OF THE PRESCRIPTION DRUGS THAT QUALIFY FOR REIMBURSEMENT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

(III) THE DEPARTMENT MAY ESTABLISH MAXIMUM REIMBURSEMENT AMOUNTS FOR A RETIREE WHO QUALIFIES FOR A PARTIAL STATE SUBSIDY.

(3) THE MARYLAND STATE RETIREE LIFE-SUSTAINING PRESCRIPTION DRUG ASSISTANCE PROGRAM ESTABLISHED UNDER PARAGRAPH (2) OF THIS SUBSECTION MAY PROVIDE REIMBURSEMENTS THROUGH:

(I) A HEALTH REIMBURSEMENT ACCOUNT ESTABLISHED IN ACCORDANCE WITH § 105(H) OF THE INTERNAL REVENUE CODE; OR

(II) ANOTHER PROGRAM THAT PROVIDES ASSISTANCE WITH PRESCRIPTION DRUG COSTS.

(4) A RETIREE, A RETIREE'S SPOUSE OR SURVIVING SPOUSE, AND A RETIREE'S DEPENDENT CHILD OR SURVIVING DEPENDENT CHILD SHALL BE AUTOMATICALLY ENROLLED IN THE MARYLAND STATE RETIREE LIFE-SUSTAINING PRESCRIPTION DRUG ASSISTANCE PROGRAM ON ENROLLMENT IN:

(I) THE MARYLAND STATE RETIREE PRESCRIPTION DRUG COVERAGE PROGRAM ESTABLISHED UNDER SUBSECTION (D) OF THIS SECTION; OR

(II) THE MARYLAND STATE RETIREE CATASTROPHIC PRESCRIPTION DRUG ASSISTANCE PROGRAM ESTABLISHED UNDER SUBSECTION (E) OF THIS SECTION.”;

in line 11, strike “(F)” and substitute “(G)”; in the same line, strike the third bracket; in the same line, strike “] (3)”; in line 12, strike “, [2018] 2019” and substitute “OF EACH”

YEAR"; strike beginning with "BE" in line 14 down through the second comma in line 15 and substitute "BECOME ELIGIBLE IN THE NEXT CALENDAR YEAR"; in line 17, strike "OR"; in line 19, after "PROGRAM" insert ";OR

(III) MARYLAND STATE RETIREE LIFE-SUSTAINING PRESCRIPTION DRUG ASSISTANCE PROGRAM";

in line 22, after "plan" insert ", INCLUDING OPTIONS THAT ARE RECOMMENDED OR SIMILAR TO THE PRESCRIPTION DRUG BENEFIT PLAN IN THE HEALTH INSURANCE BENEFIT OPTIONS ESTABLISHED UNDER THE PROGRAM"; in line 25, strike "AND"; in line 27, after "SECTION" insert ";AND

(IV) THE ONE-ON-ONE COUNSELING AVAILABLE UNDER SUBSECTION (H) OF THIS SECTION";

in line 26, strike "AND" and substitute a comma; and in line 27, after "(E)" insert ",AND (F)".

AMENDMENT NO. 3

On page 5, after line 27, insert:

"(H) (1) THE DEPARTMENT SHALL PROVIDE TO MEDICARE-ELIGIBLE RETIREES:

(I) ONE-ON-ONE COUNSELING TO ASSIST THE RETIREE IN:

1. SELECTING A MEDICARE PART D PRESCRIPTION DRUG PLAN BASED ON THE RETIREE'S SPECIFIC MEDICAL AND MEDICATION NEEDS; AND

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2. DETERMINING ELIGIBILITY AND APPLYING FOR FINANCIAL ASSISTANCE PROGRAMS, INCLUDING THE MEDICARE PRESCRIPTION DRUG EXTRA HELP LOW INCOME SUBSIDY AND THE SENIOR PRESCRIPTION DRUG ASSISTANCE PROGRAM;

(II) A CUSTOMER SERVICE HOTLINE FOR REPORTING ISSUES WITH AND CONCERNS ABOUT THE COUNSELING UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH; AND

(III) AN INTERACTIVE WEBSITE TO ALLOW RETIREES TO DETERMINE, BASED ON DATE OF RETIREMENT AND RETIREMENT INCOME, ELIGIBILITY FOR:

1. THE MARYLAND STATE RETIREE PRESCRIPTION DRUG COVERAGE PROGRAM, THE MARYLAND STATE RETIREE CATASTROPHIC PRESCRIPTION DRUG ASSISTANCE PROGRAM, AND THE STATE RETIREE LIFE-SUSTAINING PRESCRIPTION DRUG ASSISTANCE PROGRAM ESTABLISHED UNDER SUBSECTIONS (D), (E), AND (F) OF THIS SECTION;

2. THE MEDICARE PRESCRIPTION DRUG EXTRA HELP LOW INCOME SUBSIDY; AND

3. THE SENIOR PRESCRIPTION DRUG ASSISTANCE PROGRAM.

(2) IN PROVIDING THE COUNSELING UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION, THE DEPARTMENT SHALL:

(I) ENTER INTO A STATEWIDE CONTRACT WITH AN EXPERIENCED EMPLOYEE BENEFITS ADMINISTRATOR OR A SIMILAR ENTITY TO PROVIDE THE SERVICES; AND

(II) PROVIDE THE COUNSELING:

1. EACH YEAR FOR A PERIOD BEGINNING AT LEAST 3 MONTHS BEFORE THE MEDICARE OPEN ENROLLMENT PERIOD THROUGH THE END OF THE OPEN ENROLLMENT PERIOD; AND

2. IN A MANNER THAT ENSURES EQUITABLE GEOGRAPHIC ACCESS TO THE COUNSELING.

(3) THE COUNSELING PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE PROVIDED OVER THE PHONE OR IN PERSON.

(I) SUBJECT TO THE REQUIREMENTS OF § 13-108 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, THE DEPARTMENT MAY MAKE AN EMERGENCY PROCUREMENT FOR:

(1) STAFF REQUIRED TO CARRY OUT THE PROVISIONS OF THIS SECTION; AND

(2) A THIRD PARTY TO ADMINISTER HEALTH REIMBURSEMENT ACCOUNTS ESTABLISHED UNDER THIS SECTION.

(J) THE DEPARTMENT SHALL SUBMIT QUARTERLY REPORTS TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT

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ARTICLE, THE HOUSE APPROPRIATIONS COMMITTEE, THE SENATE BUDGET
AND TAXATION COMMITTEE, AND THE JOINT COMMITTEE ON PENSIONS, ON:

(1) THE STATUS OF ESTABLISHING THE PROGRAMS UNDER
SUBSECTIONS (D), (E), AND (F) OF THIS SECTION, INCLUDING:

(I) THE STATUS OF PROCURING ANY CONTRACTS
NECESSARY TO OPERATE THE PROGRAMS; AND

(II) THE PRESCRIPTION DRUGS DETERMINED TO QUALIFY
FOR REIMBURSEMENT UNDER THE MARYLAND STATE RETIREE LIFE-
SUSTAINING PRESCRIPTION DRUG ASSISTANCE PROGRAM UNDER SUBSECTION
(F) OF THIS SECTION;

(2) THE STATUS OF PROCURING A CONTRACT TO PROVIDE THE
ONE-ON-ONE COUNSELING SERVICES REQUIRED IN SUBSECTION (H) OF THIS
SECTION;

(3) THE DETAILS OF THE HEALTH REIMBURSEMENT ACCOUNTS OR
OTHER PROGRAMS TO PROVIDE ASSISTANCE WITH PRESCRIPTION DRUG COSTS
FOR INDIVIDUALS ENROLLED IN THE PROGRAMS UNDER SUBSECTIONS (D), (E),
AND (F) OF THIS SECTION, INCLUDING:

(I) THE SPECIFIC OUT-OF-POCKET COSTS ELIGIBLE FOR
REIMBURSEMENT;

(II) THE REQUIRED PROCESS FOR RECEIVING
REIMBURSEMENT;

(III) THE METHOD OF REIMBURSEMENT;

(IV) THE TIMING OF REIMBURSEMENT; AND

(V) A PLAN TO USE DEBIT CARDS TO PROCESS REIMBURSEMENTS IN A CONVENIENT AND EFFICIENT MANNER; AND

(4) IN TOTAL AND BY CATEGORY FOR THE PREVIOUS QUARTER, THE NUMBER OF ISSUES AND CONCERNS REPORTED TO THE HOTLINE.

(K) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, if the final resolution of the injunction issued in the U.S. District Court for the District of Maryland in Fitch v. State of Maryland et al, Case No. 1:18 CV-0287-PM (D. Md.) occurs on a date that is:

(1) less than 9 months before the first day of the next State health benefits open enrollment period, the following shall begin on the first day of the second State health benefits plan year immediately following the resolution:

(i) the elimination of the State prescription drug benefits for Medicare-eligible retirees, Medicare-eligible spouses or surviving spouses of retirees, and Medicare-eligible dependent children or surviving dependent children of retirees under § 2-509.1(b) of the State Personnel and Pensions Article;

(ii) the establishment of the Maryland State Retiree Prescription Drug Coverage Program, the Maryland State Retiree Catastrophic Prescription Drug Assistance Program, and the Maryland State Retiree Life-Sustaining Prescription Drug

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Assistance Program in § 2–509.1(d), (e), and (f) of the State Personnel and Pensions Article, respectively, as enacted by Section 1 of this Act; and

(iii) the provision of written certified notice to individuals under § 2–509.1(g) of the State Personnel and Pensions Article, as enacted by Section 1 of this Act; or

(2) 9 months or more before the first day of the next State health benefits open enrollment period, the following shall begin on the first day of the State health benefits plan year immediately following the resolution following the next open enrollment period:

(i) the elimination of the State prescription drug benefits for Medicare–eligible retirees, Medicare–eligible spouses or surviving spouses of retirees, and Medicare–eligible dependent children or surviving dependent children of retirees under § 2–509.1(b) of the State Personnel and Pensions Article;

(ii) the establishment of the Maryland State Retiree Prescription Drug Coverage Program, the Maryland State Retiree Catastrophic Prescription Drug Assistance Program, and the Maryland State Retiree Life–Sustaining Prescription Drug Assistance Program in § 2–509.1(d), (e), and (f) of the State Personnel and Pensions Article, respectively, as enacted by Section 1 of this Act; and

(iii) the provision of written certified notice to individuals under § 2–509.1(g) of the State Personnel and Pensions Article, as enacted by Section 1 of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That, not later than May 1, 2019, the Secretary of Budget and Management shall provide written certified notice of the provisions of this Act to all:

(1) Medicare–eligible State retirees;

(2) Medicare-eligible spouses and surviving spouses of State retirees;

(3) Medicare-eligible dependent children and surviving dependent children of State retirees; and

(4) State employees who are eligible, on or before May 31, 2019, to:

(i) enroll in a prescription drug benefit plan under Medicare; and

(ii) retire from State employment.

SECTION 4. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Department of Budget and Management establish the Maryland State Retiree Prescription Drug Coverage Program, the Maryland State Retiree Catastrophic Prescription Drug Assistance Program, and the Maryland State Retiree Life-Sustaining Prescription Drug Assistance Program in § 2-509.1(d), (e), and (f) of the State Personnel and Pensions Article, respectively, in a manner that allows retirees to access reimbursement at the time of prescription drug purchase, through a mechanism such as debit cards.

SECTION 5. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Department of Budget and Management attend at least one meeting each year of the Joint Committee on Pensions to update the Committee on implementation of the provisions of this Act.”;

and in line 28, strike “2.” and substitute “6.”.