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§15–124.3.

- (a) (1) In this section the following words have the meanings indicated.
  - (2) “Enrollee” means an individual who is enrolled in the Program.
  - (3) “Medicare Modernization Act” means the federal Medicare Prescription Drug, Improvement, and Modernization Act of 2003.
  - (4) “Medicare Part D prescription drug benefit” means the prescription drug benefit established by the Medicare Modernization Act under Part D of the federal Medicare Program.
  - (5) “Prescription drug plan” means a private health plan that provides a Medicare Part D prescription drug benefit in accordance with the requirements of the Medicare Modernization Act.
  - (6) “Program” means the Medicare Option Prescription Drug Program established under this section.
- (b) There is a Medicare Option Prescription Drug Program within the Maryland Medical Assistance Program.
- (c) The purpose of the Program is to:
- (1) Assist low–income Medicare eligible individuals to make a seamless transition to, and coordinate prescription drug coverage with, the Medicare Part D prescription drug benefit; and
  - (2) Minimize the cost–sharing burden on the individuals.
- (d) The Program shall be administered and operated by the Department as permitted by federal law or waiver.
- (e) (1) The Program shall be open to any individual who:
- (i) Is a resident of the State;
  - (ii) Is a Medicare beneficiary;
  - (iii) Is not enrolled in a Medicare Advantage Plan or other public or private insurance program, except for Medicaid and the Maryland Pharmacy Assistance Program, that provides prescription drug benefits at the time that the individual applies for enrollment in the Program;

(iv) Has an annual household income below 150 percent of the federal poverty level; and

(v) Meets the asset test established by the Medicare Modernization Act under Medicare Part D.

(2) Individuals who are dually eligible for Medicare and Medicaid, or Medicare and the Maryland Pharmacy Assistance Program, may be enrolled automatically in the Program, provided that they may elect to opt out of the Program.

(3) Enrollment in the Program for individuals who are dually eligible for Medicare and Medicaid shall begin not later than the date on which the auto-enrollment period for the federal Medicare Part D Program begins.

(4) The Department shall determine the procedures for automatic enrollment in, and election to opt out of, the Program.

(5) Individuals who meet the eligibility requirements of paragraph (1) of this subsection but who are not dually eligible for Medicare and either Medicaid or the Maryland Pharmacy Assistance Program may apply for enrollment in the Medicare Option Prescription Drug Program by submitting an application to the Department.

(f) The Department may:

(1) Enter into a contract with one or more prescription drug plans to coordinate the prescription drug benefits provided under the Program and the Medicare Part D prescription drug benefit;

(2) Require a pharmaceutical manufacturer to provide rebates in an amount not less than the rebates provided to the Medicaid Program under § 1927(c) of Title XIX of the Social Security Act (42 U.S.C. § 1396r-8) as a condition of the pharmaceutical manufacturer's products being available to enrollees;

(3) Enroll eligible individuals into a prescription drug plan under contract with the Department, with an opt-out provision at the individual's discretion;

(4) Specify procedures for individuals to apply for enrollment in the Program;

(5) Contract with a private entity to assist in administration of the Program or negotiations with prescription drug plans; and

(6) Pay all or part of the premiums, deductibles, coinsurance payments, and copayments required under the Medicare Part D Program for enrollees.

(g) Subject to available funds, the Program established under this subtitle shall provide benefits to the maximum number of individuals eligible for enrollment in the Program.

(h) The Secretary shall adopt regulations to implement the Program.

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