

BY: Finance Committee

AMENDMENTS TO SENATE BILL 848
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 7 down through “request;” in line 10 and substitute “establishing an exception to the prohibition against applying a copayment or coinsurance requirement for certain contraceptive drugs or devices;”; in line 12, after “a” insert “certain”; strike beginning with “except” in line 12 down through “time” in line 13 and substitute “subject to certain exceptions”; in line 14, after “fee” insert “paid”; in line 15, strike “certain individuals” and substitute “the pharmacist”; in the same line, strike “a certain” and substitute “the”; in line 17, after “drugs” insert “, subject to certain limitations”; and in line 18, strike “organizations” and substitute “organization”.

On page 2, in lines 4 and 5, strike “adherence purposes” and substitute “the member to adhere to the appropriate use of the prescription drug or device; prohibiting the Maryland Medical Assistance Program and the Maryland Children’s Health Program from applying a prior authorization requirement for certain contraceptive drugs and devices; requiring the Maryland Medical Assistance Program and the Maryland Children’s Health Program to provide coverage for a single dispensing to an enrollee of a certain supply of prescription contraceptives, subject to a certain exception”; and after line 17, insert:

“BY adding to

Article – Health – General
Section 15-148
Annotated Code of Maryland
(2015 Replacement Volume)”.

AMENDMENT NO. 2

(Over)

On page 2, in line 32, after “(C)” insert “(1)”; in the same line, strike “EXCEPT WITH RESPECT” and substitute “THIS SUBSECTION DOES NOT APPLY”; in line 34, strike “, AN” and substitute “.

(2) AN”;

and after line 34, insert:

“(1) EXCEPT FOR A DRUG OR DEVICE FOR WHICH THE U.S. FOOD AND DRUG ADMINISTRATION HAS ISSUED A BLACK BOX WARNING, MAY NOT APPLY A PRIOR AUTHORIZATION REQUIREMENT FOR A CONTRACEPTIVE DRUG OR DEVICE THAT IS:

1. A. AN INTRAUTERINE DEVICE; OR
B. AN IMPLANTABLE ROD;
2. APPROVED BY THE U.S. FOOD AND DRUG ADMINISTRATION; AND
3. OBTAINED UNDER A PRESCRIPTION WRITTEN BY AN AUTHORIZED PRESCRIBER; AND”.

On page 3, in lines 1, 3, and 5, strike “(1)”, “(I)”, and “(II)”, respectively, and substitute “(II)”, “1.”, and “2.”, respectively; in line 1, before “MAY” insert “EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,”; in lines 1 and 2, strike “COPAYMENT, COINSURANCE, OR PRIOR AUTHORIZATION” and substitute “COPAYMENT OR COINSURANCE”; in line 6, strike “; BUT” and substitute a period; and in line 7, strike “(2)” and substitute “(3) AN ENTITY SUBJECT TO THIS SECTION”.

AMENDMENT NO. 3

On page 3, strike in their entirety lines 12 through 21, inclusive.

AMENDMENT NO. 4

On page 3, in line 22, strike “(E)” and substitute “(D)”; in the same line, strike “PARAGRAPH (2)” and substitute “PARAGRAPHS (2) AND (3)”; in line 25, strike “13-MONTH” and substitute “6-MONTH”; after line 25, insert:

“(2) SUBJECT TO § 15-824 OF THIS SUBTITLE, AN ENTITY SUBJECT TO THIS SECTION MAY PROVIDE COVERAGE FOR A SUPPLY OF PRESCRIPTION CONTRACEPTIVES THAT IS FOR LESS THAN A 6-MONTH PERIOD, IF A 6-MONTH SUPPLY WOULD EXTEND BEYOND THE PLAN YEAR.”;

in line 26, strike “(2)” and substitute “(3)”; in the same line, after “(1)” insert “OF THIS SUBSECTION”; in the same line, after “THE” insert “FIRST 2-MONTH SUPPLY OF PRESCRIPTION CONTRACEPTIVES DISPENSED TO AN INSURED OR AN ENROLLEE UNDER:

(I) THE INITIAL”;

in the same line, strike “FIRST”; in the same line, after “PRESCRIPTION” insert “FOR THE CONTRACEPTIVES; OR

(II) ANY SUBSEQUENT PRESCRIPTION FOR A CONTRACEPTIVE THAT IS DIFFERENT THAN THE LAST CONTRACEPTIVE DISPENSED TO”;

in line 27, strike “OR CHANGE IN A PRESCRIPTION FOR CONTRACEPTIVES FOR”;

in line 29, strike “(3)” and substitute “(4)”; in line 31, strike “13-MONTH” and substitute “6-MONTH”; in line 32, after “FEE” insert “PAID”; and in lines 32 and 33, strike “OR OTHER INDIVIDUAL AUTHORIZED BY LAW TO DISPENSE PRESCRIPTION CONTRACEPTIVES”.

AMENDMENT NO. 5

On page 4, in line 1, strike “(F)” and substitute “(E) (1)”; in the same line, strike “AN” and substitute “SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN”; in lines 2 and 5, strike “(1)” and “(2)”, respectively, and substitute “(I)” and “(II)”, respectively; in line 4, after “AVAILABLE” insert “BY PRESCRIPTION AND”; in line 6, after “PRESCRIPTION” insert “UNDER ITEM (I) OF THIS PARAGRAPH”; and in line 8, after “PRESCRIPTION” insert “.

(2) AN ENTITY SUBJECT TO THIS SECTION:

(I) MAY ONLY BE REQUIRED TO PROVIDE POINT-OF-SALE COVERAGE UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION AT IN-NETWORK PHARMACIES; AND

(II) MAY LIMIT THE FREQUENCY WITH WHICH THE COVERAGE REQUIRED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION IS PROVIDED’.

AMENDMENT NO. 6

On page 6, in line 14, strike “ADHERENCE PURPOSES” and substitute “THE MEMBER TO ADHERE TO THE APPROPRIATE USE OF THE PRESCRIPTION DRUG OR DEVICE”.

AMENDMENT NO. 7

On page 6, after line 19, insert:

“Article – Health – General

15-148.

(A) EXCEPT FOR A DRUG OR DEVICE FOR WHICH THE U.S. FOOD AND DRUG ADMINISTRATION HAS ISSUED A BLACK BOX WARNING, THE PROGRAM AND THE MARYLAND CHILDREN’S HEALTH PROGRAM MAY NOT APPLY A PRIOR AUTHORIZATION REQUIREMENT FOR A CONTRACEPTIVE DRUG OR DEVICE THAT IS:

(1) (I) AN INTRAUTERINE DEVICE; OR

(II) AN IMPLANTABLE ROD;

(2) APPROVED BY THE U.S. FOOD AND DRUG ADMINISTRATION;

AND

(3) OBTAINED UNDER A PRESCRIPTION WRITTEN BY AN AUTHORIZED PRESCRIBER.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE PROGRAM AND THE MARYLAND CHILDREN’S HEALTH PROGRAM SHALL PROVIDE COVERAGE FOR A SINGLE DISPENSING TO AN ENROLLEE OF A SUPPLY OF PRESCRIPTION CONTRACEPTIVES FOR A 6-MONTH PERIOD.

(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO THE FIRST 2-MONTH SUPPLY OF PRESCRIPTION CONTRACEPTIVES DISPENSED TO AN ENROLLEE UNDER:

(Over)

(I) THE INITIAL PRESCRIPTION FOR THE CONTRACEPTIVES;

OR

(II) ANY SUBSEQUENT PRESCRIPTION FOR A CONTRACEPTIVE THAT IS DIFFERENT THAN THE LAST CONTRACEPTIVE DISPENSED TO THE ENROLLEE.”;

and in line 21, after “plans” insert “subject to this Act that are”.