By: Delegate Barron
Introduced and read first time: February 7, 2018
Assigned to: Health and Government Operations

A BILL ENTITLED

AN ACT concerning

Maryland Medical Assistance Program – Family Planning Services

FOR the purpose of requiring the Maryland Department of Health to apply to the Centers for Medicare and Medicaid Services for a certain State plan amendment to the Family Planning Program; altering the length of the period for which the Maryland Medical Assistance Program and the Maryland Children’s Health Program is required to provide coverage to enrollees for a single dispensing of a supply of prescription contraceptives; repealing a provision of law providing for an exemption of a certain supply of prescription contraceptives from certain coverage requirements; requiring the Department to establish a certain workgroup; requiring the Department to report to the General Assembly on or before a certain date; and generally relating to the Maryland Medical Assistance Program and family planning.

BY adding to
Article – Health – General
Section 15–140
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 15–148
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Health – General
THE DEPARTMENT SHALL APPLY TO THE CENTERS FOR MEDICARE AND
MEDICAID SERVICES FOR A STATE PLAN AMENDMENT TO THE FAMILY PLANNING
PROGRAM THAT:

(1) PROVIDES, SUBJECT TO THE LIMITATIONS OF THE STATE
BUDGET, FAMILY PLANNING SERVICES TO AN INDIVIDUAL WHOSE INDIVIDUAL
INCOME IS AT OR BELOW 250% OF THE POVERTY LEVEL, AS ALLOWED BY FEDERAL
LAW;

(2) DOES NOT IMPOSE AGE LIMITATIONS ON INDIVIDUALS WHO ARE
ABLE TO RECEIVE FAMILY PLANNING SERVICES;

(3) ESTABLISHES A PRESumptIVE ELigibility PROCESS FOR
ENROLLMENT IN THE FAMILY PLANNING PROGRAM; AND

(4) EXEMPTS THE FAMILY PLANNING PROGRAM FROM FEDERAL
COORDINATION OF BENEFITS REQUIREMENTS IF AUTHORIZED UNDER FEDERAL
LAW.

(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] 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] 12–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:

(i) The initial prescription for the contraceptives; or

(ii) A prescription written by an authorized prescriber.

(2) Paragraph (1) of this subsection does not apply to a contraceptive drug or device that is:

(i) An intrauterine device; or

(ii) An implantable rod;

(iii) Approved by the U.S. Food and Drug Administration; and

(iv) Obtained under a prescription written by an authorized prescriber.

(3) Paragraph (1) of this subsection does not apply to the initial prescription for contraceptive
services dispensed to an enrollee under:

(i) The initial prescription for the contraceptives; or

(ii) A prescription written by an authorized prescriber.

(4) Paragraph (1) of this subsection does not apply to a contraceptive drug or device that is:

(i) An intrauterine device; or

(ii) An implantable rod;

(iii) Approved by the U.S. Food and Drug Administration; and

(iv) Obtained under a prescription written by an authorized prescriber.

(5) Paragraph (1) of this subsection does not apply to the initial prescription for contraceptive
services dispensed to an enrollee under:

(i) The initial prescription for the contraceptives; or

(ii) A prescription written by an authorized prescriber.

(6) Paragraph (1) of this subsection does not apply to a contraceptive drug or device that is:

(i) An intrauterine device; or

(ii) An implantable rod;

(iii) Approved by the U.S. Food and Drug Administration; and

(iv) Obtained under a prescription written by an authorized prescriber.
(ii) Any subsequent prescription for a contraceptive that is different than the last contraceptive dispensed to the enrollee.

(c) The Program and the Maryland Children's Health Program shall provide coverage for services rendered to an enrollee by a licensed pharmacist under § 12–511 of the Health Occupations Article, to the same extent as services rendered by any other licensed health care practitioner, in screening an enrollee and prescribing contraceptives for the enrollee.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Maryland Department of Health shall establish a workgroup of interested stakeholders to:

(1) advise the Department on the Medicaid Family Planning Program regarding methods for:

(i) streamlining the enrollment process through presumptive eligibility; and

(ii) using the Medicaid Family Planning Program to encourage eligible individuals to enroll for full health insurance coverage through the Maryland Medical Assistance Program or through a Qualified Health Plan; and

(2) make recommendations to ensure that all participants in the Medicaid Family Planning Program have access to the full range of contraceptive options appropriate for the participant.

(b) On or before December 1, 2018, the Department shall report to the General Assembly, in accordance with § 2–1246 of the State Government Article, on the recommendations of the workgroup.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.