

SENATE BILL 774

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CF HB 994

By: **Senator Benson**

Introduced and read first time: February 5, 2018

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 27, 2018

CHAPTER _____

1 AN ACT concerning

2 **Maryland Medical Assistance Program – Family Planning Services**

3 FOR the purpose of requiring the Maryland Department of Health to apply to the Centers
4 for Medicare and Medicaid Services for a certain State plan amendment to the
5 Family Planning Program; altering the length of the period for which the Maryland
6 Medical Assistance Program and the Maryland Children’s Health Program is
7 required to provide coverage to enrollees for a single dispensing of a supply of
8 prescription contraceptives; repealing a provision of law providing for an exemption
9 of a certain supply of prescription contraceptives from certain coverage
10 requirements; requiring the Department to establish a certain workgroup; requiring
11 the Department to report to the General Assembly on or before a certain date;
12 requiring, on or before a certain date, the Department, in collaboration with the
13 Maryland Health Benefit Exchange, to establish a presumptive eligibility process
14 and integrate an eligibility and enrollment process for the Family Planning Program
15 into the Maryland Health Connection; and generally relating to the Maryland
16 Medical Assistance Program and family planning.

17 BY adding to

18 Article – Health – General

19 Section 15–140

20 Annotated Code of Maryland

21 (2015 Replacement Volume and 2017 Supplement)

22 BY repealing and reenacting, with amendments,

23 Article – Health – General

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 15–148
2 Annotated Code of Maryland
3 (2015 Replacement Volume and 2017 Supplement)

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

6 **Article – Health – General**

7 **15–140.**

8 **THE DEPARTMENT SHALL APPLY TO THE CENTERS FOR MEDICARE AND**
9 **MEDICAID SERVICES FOR A STATE PLAN AMENDMENT TO THE FAMILY PLANNING**
10 **PROGRAM THAT:**

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

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

17 **(3) ESTABLISHES A PRESUMPTIVE ELIGIBILITY PROCESS FOR**
18 **ENROLLMENT IN THE FAMILY PLANNING PROGRAM; AND**

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

22 15–148.

23 (a) Except for a drug or device for which the U.S. Food and Drug Administration
24 has issued a black box warning, the Program and the Maryland Children’s Health Program
25 may not apply a prior authorization requirement for a contraceptive drug or device that is:

26 (1) (i) An intrauterine device; or

27 (ii) An implantable rod;

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

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

30 (b) [(1) Except as provided in paragraph (2) of this subsection, the] **THE**
31 **Program and the Maryland Children’s Health Program shall provide coverage for a single**

1 dispensing to an enrollee of a supply of prescription contraceptives for a [6-month]
2 **12-MONTH** period.

3 [(2) Paragraph (1) of this subsection does not apply to the first 2-month
4 supply of prescription contraceptives dispensed to an enrollee under:

5 (i) The initial prescription for the contraceptives; or

6 (ii) Any subsequent prescription for a contraceptive that is different
7 than the last contraceptive dispensed to the enrollee.]

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

13 SECTION 2. AND BE IT FURTHER ENACTED, That:

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

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

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

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

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

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

29 SECTION 3. AND BE IT FURTHER ENACTED, That, on or before October 1, 2020,
30 the Maryland Department of Health, in collaboration with the Maryland Health Benefit
31 Exchange, shall:

32 (1) establish a presumptive eligibility process for the Family Planning
33 Program established under Section 1 of this Act; and

1 (2) integrate the eligibility and enrollment process for the Family Planning
2 Program into the Maryland Health Connection.

3 SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 July 1, 2018.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.