
By: **Delegate Bozman**
Introduced and read first time: March 9, 1998
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Carriers - Drug Substitution - Notification**

3 FOR the purpose of requiring certain carriers that require a pharmacist to substitute
4 one drug for another drug for the same therapeutic use to provide a certain
5 notice to the person for whom the drug is prescribed; requiring a certain notice
6 to be given to certain other persons under certain circumstances; authorizing
7 the Maryland Insurance Commissioner to adopt certain regulations; defining
8 certain terms; and generally relating to a certain notification concerning a
9 certain drug substitution.

10 BY repealing and reenacting, without amendments,

- 11 Article - Insurance
- 12 Section 1-101(a) and (m)
- 13 Annotated Code of Maryland
- 14 (1997 Volume)

15 BY adding to

- 16 Article - Insurance
- 17 Section 15-124
- 18 Annotated Code of Maryland
- 19 (1997 Volume)

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

22 **Article - Insurance**

23 1-101.

24 (a) In this article the following words have the meanings indicated.

25 (m) "Commissioner" means the Maryland Insurance Commissioner.

1 15-124.

2 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (2) "CARRIER" MEANS:

5 (I) AN INSURER;

6 (II) A NONPROFIT HEALTH SERVICE PLAN;

7 (III) A HEALTH MAINTENANCE ORGANIZATION;

8 (IV) A DENTAL PLAN ORGANIZATION; OR

9 (V) EXCEPT FOR A MANAGED CARE ORGANIZATION AS DEFINED IN
10 TITLE 15, SUBTITLE 1 OF THE HEALTH - GENERAL ARTICLE ANY OTHER PERSON
11 THAT PROVIDES HEALTH BENEFIT PLANS SUBJECT TO REGULATION BY THE STATE.

12 (3) "DRUG" HAS THE MEANING STATED IN § 21-101(G) OF THE HEALTH -
13 GENERAL ARTICLE.

14 (B) (1) A CARRIER THAT REQUIRES A PHARMACIST TO SUBSTITUTE ONE
15 DRUG FOR ANOTHER DRUG FOR THE SAME THERAPEUTIC USE SHALL NOTIFY THE
16 PERSON FOR WHOM THE DRUG IS PRESCRIBED ABOUT THE SUBSTITUTION.

17 (2) IF, BY VIRTUE OF THE PHYSICAL OR MENTAL CONDITION OF THE
18 PERSON FOR WHOM A DRUG IS PRESCRIBED, THE PERSON IS NOT ABLE TO BE
19 INFORMED OF THE SUBSTITUTION, THE NOTICE REQUIRED BY PARAGRAPH (1) OF
20 THIS SUBSECTION SHALL BE GIVEN TO ANY OTHER PERSON WHO HAS AUTHORITY TO
21 CONSENT TO MEDICAL CARE FOR THE PERSON FOR WHOM THE DRUG IS
22 PRESCRIBED.

23 (C) THE COMMISSIONER MAY ADOPT ANY REGULATION NECESSARY TO
24 CARRY OUT THIS SECTION.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 1998.