

SENATE BILL 235

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1998 Regular Session
(8r1548)

ENROLLED BILL
-- Finance/Economic Matters --

Introduced by **Senators Astle, Hollinger, Kelley, Stoltzfus, and Derr**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Maintenance Drug Prescriptions - Supply Quantity - Repeal of Termination**
3 **Date and Alteration of Application**

4 FOR the purpose of repealing a certain termination date for and altering the
5 application of a provision of law that requires certain health insurers, nonprofit
6 health service plans, and health maintenance organizations to allow an insured
7 or enrollee to receive a certain supply quantity of a maintenance drug in a single
8 dispensing under certain circumstances; ~~prohibiting a certain limitation on a~~
9 ~~maintenance drug purchase; limiting a certain co payment for an enrollee of a~~
10 ~~health maintenance organization; and generally relating to the dispensing of a~~
11 ~~maintenance drug prescription.~~

12 BY repealing and reenacting, with amendments,
13 Article - Insurance
14 Section 15-824
15 Annotated Code of Maryland
16 (1997 Volume)

1 BY repealing and reenacting, with amendments,
2 Chapter 232 of the Acts of the General Assembly of 1997
3 Section 3

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

6 **Article - Insurance**

7 15-824.

8 (a) (1) In this section the following words have the meanings indicated.

9 (2) "Authorized prescriber" has the meaning stated in § 12-101 of the
10 Health Occupations Article.

11 (3) "Maintenance drug" means a drug anticipated to be required for 6
12 months or more to treat a chronic condition.

13 (b) This section applies to:

14 (1) insurers and nonprofit health service plans that provide coverage for
15 drugs under health insurance policies or contracts that are delivered or issued for
16 delivery in the State to employers or individuals on a group or individual basis; AND

17 (2) health maintenance organizations that provide coverage for drugs
18 under contracts that are delivered or issued for delivery in the State to employers or
19 individuals on a group or individual basis; and

20 ~~(3) a health insurance contract or policy THAT provides coverage for~~
21 ~~drugs that is issued to a small employer under Subtitle 12 of this title.~~

22 (c) This section does not apply to an insured or enrollee who is a resident of a
23 nursing home.

24 (d) (1) An entity subject to this section shall allow an insured or enrollee, if
25 authorized by an authorized prescriber, to receive up to a 90-day supply of a
26 maintenance drug in a single dispensing of the prescription.

27 (2) THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION DO NOT
28 APPLY TO THE FIRST PRESCRIPTION OR CHANGE IN A PRESCRIPTION FOR A
29 MAINTENANCE DRUG THAT THE AUTHORIZED PRESCRIBER PRESCRIBES FOR THE
30 INSURED OR ENROLLEE.

31 (e) Whenever an entity subject to this section increases the co-payment for a
32 single dispensing of a prescription in a supply in excess of 30 days, the entity shall
33 also proportionately increase the dispensing fee to the pharmacist for the
34 prescription.

1 ~~(F) THE PURCHASE OF A 90 DAY SUPPLY OF A MAINTENANCE DRUG MAY NOT~~
2 ~~BE LIMITED TO PURCHASE THROUGH MAIL ORDER.~~

3 ~~(G) FOR AN ENROLLEE OF A HEALTH MAINTENANCE ORGANIZATION, THE~~
4 ~~CO PAYMENT FOR RETAIL PURCHASE OF A MAINTENANCE DRUG MAY ONLY EXCEED~~
5 ~~THE CO PAYMENT FOR MAIL ORDER PURCHASE OF THE MAINTENANCE DRUG BY AN~~
6 ~~AMOUNT NOT TO EXCEED \$10.~~

7

Chapter 232 of the Acts of 1997

8 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 1997. [It shall remain effective for a period of 1 year and, at the end of
10 September 30, 1998, with no further action required by the General Assembly, this
11 Act shall be abrogated and of no further force and effect.]

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 July 1, 1998.