2002 Regular Session 2lr2628

By: Senator Della Introduced and read first time: February 1, 2002 Assigned to: Finance Committee Report: Favorable with amendments Senate action: Adopted Read second time: March 19, 2002 CHAPTER 1 AN ACT concerning 2 Maryland Pharmacy Assistance Program - Reimbursement - Diabetes Test 3 **Strips** 4 FOR the purpose of requiring the Maryland Pharmacy Assistance Program to provide reimbursements for diabetes test strips; making this Act subject to a certain 5 contingency; and generally relating to the reimbursement for diabetes test 6 strips by the Maryland Pharmacy Assistance Program. 7 8 BY repealing and reenacting, with amendments, Article - Health - General 9 10 Section 15-124(b) Annotated Code of Maryland 11 12 (2000 Replacement Volume and 2001 Supplement) 13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 14 MARYLAND, That the Laws of Maryland read as follows: 15 **Article - Health - General** 16 15-124. 17 Reimbursement under the Maryland Pharmacy Assistance (b) (1) (i) 18 Program shall be limited to maintenance drugs, DIABETES TEST STRIPS, 19 anti-infectives, and AZT as specified in regulations to be issued by the Secretary after 20 consultation with the Maryland Pharmacists Association. 21 (ii) 1. For any drug on the Program's interchangeable drug list,

22 the Program shall reimburse providers in an amount not more than it would

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- 1 reimburse for the drug's generic equivalent, unless the individual's physician states,
- 2 in his or her own handwriting, on the face of the prescription, that a specific brand is
- 3 "medically necessary" for the particular patient.
- 4 2. If an appropriate generic drug is not generally available,
- 5 the Department may waive the reimbursement requirement under
- 6 sub-subparagraph 1 of this subparagraph.
- 7 (2) The reimbursement shall be up to the amount paid for the same
- 8 items or services under the pharmacy program of the Maryland Medical Assistance
- 9 Program and shall be subject to a copayment of not more than \$5.00 for each covered
- 10 item or service.
- 11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is contingent
- 12 on approval of the § 1115 waiver amendment application submitted in accordance
- 13 with Section 6 of Chapters 134 and 135 of the Acts of the General Assembly of 2001.
- 14 The Department of Health and Mental Hygiene, within 5 working days of the date of
- 15 a final decision on the State's waiver application, shall notify the Department of
- 16 Legislative Services of that decision in writing, at 90 State Circle, Annapolis,
- 17 Maryland 21401. If the § 1115 waiver amendment application submitted in
- 18 accordance with Section 6 of Chapters 134 and 135 of the Acts of 2001 is not approved,
- 19 this Act shall be null and void without the necessity of further action by the General
- 20 Assembly.
- 21 SECTION 2. 3. AND BE IT FURTHER ENACTED, That this Act shall take
- 22 effect October 1, 2002.