

HOUSE BILL 143

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2003 Regular Session
3lr0551
CF 3lr1510

By: Delegates **Donoghue, Busch, Hurson, Mandel, Owings, Amedori, Anderson, Arnick, Aumann, Barkley, Bartlett, Barve, Bates, Benson, Bobo, Bohanan, Boschert, Boteler, Boutin, Bozman, Branch, Bromwell, Bronrott, Brown, Burns, Cadden, Cane, Cardin, Carter, G. Clagett, V. Clagett, Conroy, Conway, Costa, Cryor, C. Davis, D. Davis, DeBoy, Doory, Dumais, Dwyer, Eckardt, Edwards, Elliott, Elmore, Feldman, Flanagan, Franchot, Frank, Frush, Fulton, Gaines, Glassman, Goldwater, Gordon, Griffith, Gutierrez, Hammen, Harrison, Haynes, Healey, Heller, Hixson, Hogan, Holmes, Howard, Hubbard, Hutchins, Impallaria, James, Jameson, Jennings, Jones, Kach, Kaiser, Kelley, Kelly, King, Kirk, Krebs, Krysiak, Lee, Leopold, Love, Madaleno, Malone, Marriott, McComas, McConkey, McDonough, McHale, McIntosh, McKee, McMillan, Menes, Minnick, Mitchell, Moe, Montgomery, Morhaim, Murray, Myers, Nathan-Pulliam, Niemann, Oaks, O'Donnell, Paige, Parker, Parrott, Patterson, Pendergrass, Petzold, Proctor, Quinter, Ramirez, Rawlings, Redmer, Rosenberg, Ross, Rudolph, Rzepkowski, Schisler, Shank, Simmons, Smigiel, Sophocleus, Sossi, Stern, Stocksdale, Stull, Taylor, Trueschler, F. Turner, V. Turner, Vallario, Vaughn, Walkup, Weir, Weldon, Wood, and Zirkin**

Introduced and read first time: January 24, 2003

Introduced and read first time: January 24, 2005
Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

Maryland Health Care Foundation - Maryland Medbank Program - Extension and Funding

4 FOR the purpose of extending the termination date of the Maryland Medbank
5 Program administered by the Maryland Health Care Foundation; authorizing
6 Maryland Medbank Program funds to be used to distribute medication to
7 enrollees under certain circumstances; requiring the Governor to include in the
8 annual budget bill a certain appropriation for a certain purpose; providing for
9 the termination of this Act; and generally relating to the Maryland Medbank
10 Program administered by the Maryland Health Care Foundation.

11 BY repealing and reenacting, with amendments,
12 Article - Health - General
13 Section 15-124.2
14 Annotated Code of Maryland
15 (2000 Replacement Volume and 2002 Supplement)

1 BY repealing and reenacting, with amendments,
2 Chapter 134 of the Acts of the General Assembly of 2001
3 Section 12

4 BY repealing and reenacting, with amendments,
5 Chapter 135 of the Acts of the General Assembly of 2001
6 Section 12

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

9 **Article - Health - General**

10 15-124.2.

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

12 (2) "Foundation" means the Maryland Health Care Foundation
13 established under § 20-502 of this article.

14 (3) "Program" means the Maryland Medbank Program established under
15 this section.

16 (b) There is a Maryland Medbank Program.

17 (c) The purpose of the Program is to improve the health status of individuals
18 throughout the State who lack prescription drug coverage by providing access to
19 medically necessary prescription drugs through patient assistance programs
20 sponsored by pharmaceutical drug manufacturers.

21 (d) (1) Subject to paragraph (2) of this subsection, the Program shall be
22 administered by the Foundation.

23 (2) The Foundation shall contract with one or more government or
24 nonprofit entities to operate the Program.

25 (e) (1) The administration and operation of the Program shall be funded
26 through a grant provided by the Department.

27 (2) Program funds may be used in part to:

28 (I) [purchase] PURCHASE interim supplies of prescription drugs
29 for enrollees who have applied to participate in a manufacturer's patient assistance
30 program but have not yet received the approved prescription drug; AND

31 (II) DISTRIBUTE MEDICATION TO ENROLLEES WHO HAVE BEEN
32 APPROVED TO PARTICIPATE IN A MANUFACTURER'S PATIENT ASSISTANCE PROGRAM.

33 (f) (1) The Foundation shall ensure that the Program is available to
34 residents in each of the following geographic regions of the State:

- 1 (i) Western Maryland;
- 2 (ii) The Eastern Shore;
- 3 (iii) The Baltimore metropolitan area;
- 4 (iv) The Maryland counties in the Washington, D.C. metropolitan
5 area; and
- 6 (v) Southern Maryland, including Anne Arundel County.

7 (2) The Foundation shall use Medbank of Maryland, Inc. and the
8 Western Maryland Prescription Program as the regional offices for the Baltimore
9 metropolitan area and Western Maryland, respectively.

10 (g) Eligibility for the Program shall be limited only by the criteria established
11 by pharmaceutical manufacturers for their patient assistance programs.

12 (h) (1) The Foundation shall require detailed financial reports at least
13 quarterly from the entities that operate the Program.

14 (2) The Foundation shall release funds to the entities that operate the
15 Program as needed and justified by the quarterly reports filed in accordance with
16 paragraph (1) of this subsection.

17 (i) On or before December 1, 2001, and annually thereafter, the Foundation
18 shall report to the Governor and, in accordance with § 2-1246 of the State
19 Government Article, to the General Assembly, on the status of the Maryland Medbank
20 Program established under this section, including:

21 (1) The number and demographic characteristics of the State residents
22 served by the Program;

23 (2) The types and retail value of prescription drugs accessed through the
24 Program;

25 (3) The nature and extent of outreach performed to inform State
26 residents of the assistance available through the Program; and

27 (4) The total volume and retail value of each brand name drug, by
28 manufacturer, accessed through the Program.

29 (J) FOR FISCAL YEAR 2005 AND EACH FISCAL YEAR THEREAFTER, THE
30 GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF
31 AT LEAST \$3,000,000 TO THE DEPARTMENT FOR TRANSFER TO THE FOUNDATION FOR
32 THE SOLE PURPOSE OF MAKING ONE OR MORE GRANTS TO ENTITIES TO OPERATE
33 THE PROGRAM AS PROVIDED IN THIS SECTION.

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Chapter 134 of the Acts of 2001

2 SECTION 12. AND BE IT FURTHER ENACTED, That Sections 3 and 4 of this
3 Act shall take effect July 1, 2001. On the earlier of the end of June 30, 2003, or the
4 availability of comparable prescription drug benefits provided by Medicare under
5 Title XVIII of the Social Security Act, as amended, with no further action required by
6 the General Assembly, [Sections 3 and] SECTION 4 of this Act shall be abrogated and
7 of no further force and effect. If comparable prescription drug benefits are provided by
8 Medicare under Title XVIII of the Social Security Act, the Secretary of Health and
9 Mental Hygiene shall notify the Department of Legislative Services, 90 State Circle,
10 Annapolis, Maryland 21401 not later than 90 days before prescription drug benefits
11 are to be provided.

12

Chapter 135 of the Acts of 2001

13 SECTION 12. AND BE IT FURTHER ENACTED, That Sections 3 and 4 of this
14 Act shall take effect July 1, 2001. On the earlier of the end of June 30, 2003, or the
15 availability of comparable prescription drug benefits provided by Medicare under
16 Title XVIII of the Social Security Act, as amended, with no further action required by
17 the General Assembly, [Sections 3 and] SECTION 4 of this Act shall be abrogated and
18 of no further force and effect. If comparable prescription drug benefits are provided by
19 Medicare under Title XVIII of the Social Security Act, the Secretary of Health and
20 Mental Hygiene shall notify the Department of Legislative Services, 90 State Circle,
21 Annapolis, Maryland 21401 not later than 90 days before prescription drug benefits
22 are to be provided.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 July 1, 2003. It shall remain effective for a period of 3 years and, at the end of June
25 30, 2006, with no further action required by the General Assembly, this Act shall be
26 abrogated and of no further force and effect.