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By: Delegate Hammen

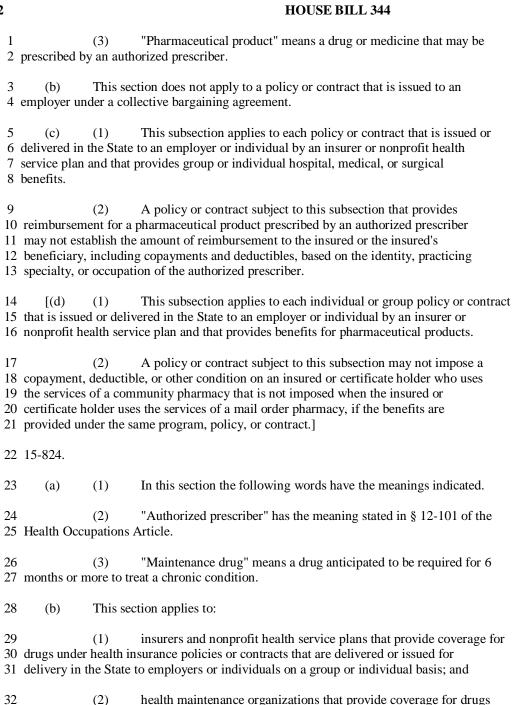
Introduced and read first time: January 28, 2004 Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 Health Insurance - Maintenance Drug Prescriptions - Mail Order Purchase

- 3 FOR the purpose of repealing a prohibition against certain health insurance or
- 4 nonprofit health service plan policies or contracts imposing a co-payment,
- deductible, or other condition on the use of a community pharmacy that the
- 6 policies or contracts do not impose on the services of a mail order pharmacy;
- 7 prohibiting certain insurers, nonprofit health service plans, and health
- 8 maintenance organizations from limiting the purchase of certain maintenance
- 9 drugs to purchase through mail order pharmacies; authorizing certain insurers,
- 10 nonprofit health service plans, and health maintenance organizations to
- establish cost sharing for retail purchase of certain maintenance drugs that
- differs from cost sharing for mail order purchase; and generally relating to
- 13 health insurance provisions for purchasing prescribed maintenance drugs
- through mail order.
- 15 BY repealing and reenacting, with amendments,
- 16 Article Insurance
- 17 Section 15-805 and 15-824
- 18 Annotated Code of Maryland
- 19 (2002 Replacement Volume and 2003 Supplement)
- 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 15-805.
- 24 (a) (1) In this section the following words have the meanings indicated.
- 25 (2) "Authorized prescriber" means a licensed dentist, licensed physician,
- 26 or licensed podiatrist who is authorized under the Health Occupations Article to
- 27 prescribe a pharmaceutical product.



33 under contracts that are delivered or issued for delivery in the State to employers or

This section does not apply to an insured or enrollee who is a resident of a

individuals on a group or individual basis.

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(c)

36 nursing home.

HOUSE BILL 344

- 1 (d) An entity subject to this section shall allow an insured or enrollee, if
- 2 authorized by an authorized prescriber, to receive up to a 90-day supply of a
- 3 maintenance drug in a single dispensing of the prescription.
- 4 (2) The provisions of paragraph (1) of this subsection do not apply to the
- 5 first prescription or change in a prescription for a maintenance drug that the
- 6 authorized prescriber prescribes for the insured or enrollee.
- 7 (e) Whenever an entity subject to this section increases the co-payment for a
- 8 single dispensing of a prescription in a supply in excess of 30 days, the entity shall
- 9 also proportionately increase the dispensing fee to the pharmacist for the
- 10 prescription.
- 11 (F) AN ENTITY SUBJECT TO THIS SECTION MAY NOT LIMIT THE PURCHASE OF
- 12 A 90-DAY SUPPLY OF A MAINTENANCE DRUG TO PURCHASE THROUGH A MAIL ORDER
- 13 PHARMACY, BUT MAY ESTABLISH COST SHARING FOR RETAIL PURCHASE OF A
- 14 MAINTENANCE DRUG THAT DIFFERS FROM COST SHARING FOR MAIL ORDER
- 15 PURCHASE OF A MAINTENANCE DRUG.
- 16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 17 October 1, 2004.