

BY: Health and Government Operations Committee

SUBSTITUTE AMENDMENTS TO SENATE BILL NO. 282

(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 3, after "Program;" insert "repealing the Maryland Pharmacy Discount Program;"; and after line 32, insert:

"BY repealing

Article - Health - General

Section 15-124.1

Annotated Code of Maryland

(2000 Replacement Volume and 2004 Supplement)".

AMENDMENT NO. 2

On page 9, after line 33, insert:

"[15-124.1.

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

(2) "Enrollee" means an individual who is enrolled in the Maryland Pharmacy Discount Program.

(3) "Program" means the Maryland Pharmacy Discount Program established under this section.

(b) There is a Maryland Pharmacy Discount Program within the Maryland Medical Assistance Program.

(c) The purpose of the Program is to improve the health status of Medicare beneficiaries

(Over)

who lack prescription drug coverage by providing access to lower cost, medically necessary, prescription drugs.

(d) The Program shall be administered and operated by the Department as permitted by federal law or waiver.

(e) (1) The Program shall be open to Medicare beneficiaries who lack other public or private prescription drug coverage.

(2) Notwithstanding paragraph (1) of this subsection, enrollment in the Maryland Medbank Program established under § 15-124.2 of this subtitle or the Maryland Pharmacy Assistance Program established under § 15-124 of this subtitle does not disqualify an individual from being eligible for the Program.

(f) (1) Subject to subsection (g) of this section, an enrollee may purchase medically necessary prescription drugs that are covered under the Maryland Medical Assistance Program from any pharmacy that participates in the Maryland Medical Assistance Program at a price that is based on the price paid by the Maryland Medical Assistance Program, minus the aggregate value of any federally mandated manufacturers' rebates.

(2) Subject to subsection (g) of this section, and to the extent authorized under federal waiver, an enrollee whose annual household income is at or below 175 percent of the federal poverty guidelines may receive a discount subsidized by the Department that is equal to 35 percent of the price paid by the Maryland Medical Assistance Program for each medically necessary prescription drug purchased under the Program.

(g) The Department may establish mechanisms to:

(1) Recover the administrative costs of the Program;

(2) Reimburse participating pharmacies in an amount equal to the Maryland Medical Assistance price, minus the copayment paid by the enrollee for each prescription filled under the Program; and

(3) Allow participating pharmacies to collect a \$1 processing fee, in addition to any authorized dispensing fee, for each prescription filled for an enrollee under the Program.

(h) The Secretary shall adopt regulations to implement the Program.]”.

AMENDMENT NO. 3

On pages 12 and 13, strike in their entirety the lines beginning with line 29 on page 12 through line 3 on page 13, inclusive, and substitute:

“(4) Benefits shall be offered to enrollees through the Senior Prescription Drug Program established under Title 14, Subtitle 5, Part II of the Insurance Article beginning July 1, 2003. [On the earlier of the] AT THE end of June 30, [2005] 2007, [or the availability of comparable prescription drug benefits provided by Medicare under Title XVIII of the Social Security Act, as amended, with no further action required by the General Assembly,] the Senior Prescription Drug Program established under Title 14, Subtitle 5, Part II, as amended, shall be abrogated and of no further force and effect. [If comparable prescription drug benefits are provided by Medicare under Title XVIII of the Social Security Act, the Secretary of Health and Mental Hygiene shall notify the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401 no later than 90 days before the prescription drug benefits are to be provided.]”.

AMENDMENT NO. 4

On page 13, strike beginning with the comma in line 22 down through the second comma in line 23 and substitute “until February 1, 2006,”; and strike beginning with “15” in line 35 down through “available” in line 36 and substitute “December 15, 2005, regarding the availability on January 1, 2006, of prescription drug benefits provided by Medicare Part D, and, if prescription drug benefits provided by Medicare Part D are not available on January 1, 2006, the Secretary of Health and Mental Hygiene shall notify the Department of Legislative Services no later than 15 days before the prescription drug benefits are to become available”.