

SENATE BILL 130

C3

9lr0474

By: **Senator Forehand**

Introduced and read first time: January 16, 2009

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Health Insurance – Use of Prescription Information**

3 FOR the purpose of providing that certain insurers, nonprofit health service plans,
4 and health maintenance organizations may only exhibit, discuss, or reveal any
5 part of the contents of a prescription to certain persons; prohibiting certain
6 carriers from denying, canceling, or refusing to renew an individual health
7 policy solely because of the prescription drug history of an insured; and
8 generally relating to the use of prescription information by health insurers.

9 BY adding to

10 Article – Health – General
11 Section 19–706(ttt)
12 Annotated Code of Maryland
13 (2005 Replacement Volume and 2008 Supplement)

14 BY adding to

15 Article – Insurance
16 Section 15–132 and 15–509
17 Annotated Code of Maryland
18 (2006 Replacement Volume and 2008 Supplement)

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

21 **Article – Health – General**

22 19–706.

23 **(TTT) THE PROVISIONS OF §§ 15–132 AND 15–509 OF THE INSURANCE**
24 **ARTICLE APPLY TO HEALTH MAINTENANCE ORGANIZATIONS.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1

Article – Insurance

2 **15-132.**

3 (A) **THIS SECTION APPLIES TO:**

4 (1) **INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT**
5 **PROVIDE, DIRECTLY OR THROUGH A PHARMACY BENEFITS MANAGER,**
6 **COVERAGE FOR PRESCRIPTION DRUGS UNDER HEALTH INSURANCE POLICIES**
7 **OR CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE; AND**

8 (2) **HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE,**
9 **DIRECTLY OR THROUGH A PHARMACY BENEFITS MANAGER, COVERAGE FOR**
10 **PRESCRIPTION DRUGS UNDER CONTRACTS THAT ARE ISSUED OR DELIVERED IN**
11 **THE STATE.**

12 (B) **AN ENTITY SUBJECT TO THIS SECTION AND ITS EMPLOYEES AND**
13 **CONTRACTORS MAY ONLY EXHIBIT, DISCUSS, OR REVEAL ANY PART OF THE**
14 **CONTENTS OF A PRESCRIPTION WITH:**

15 (1) **THE PATIENT OR THE AUTHORIZED REPRESENTATIVE OF THE**
16 **PATIENT;**

17 (2) **THE PRESCRIBER OR OTHER LICENSED HEALTH CARE**
18 **PROVIDER PROVIDING CARE FOR THE PATIENT;**

19 (3) **A LICENSED PHARMACIST SERVING THE PATIENT; OR**

20 (4) **A PERSON AUTHORIZED BY LAW TO RECEIVE THE**
21 **INFORMATION.**

22 (C) **THIS SECTION DOES NOT PROHIBIT:**

23 (1) **ANY LEGITIMATE PEER REVIEW CONDUCTED BY A HOSPITAL,**
24 **PHYSICIAN GROUP PRACTICE, HEALTH MAINTENANCE ORGANIZATION, OR**
25 **OTHER ENTITY ENGAGED IN THE REVIEW OF ONE OF ITS LICENSED OR**
26 **CREDENTIALLED HEALTH CARE PROVIDERS; OR**

27 (2) **THE INTERNAL REVIEW OF PRESCRIBING INFORMATION BY AN**
28 **ENTITY SUBJECT TO THIS SECTION FOR QUALITY ASSURANCE OR PAYMENT**
29 **PURPOSES.**

30 **15-509.**

1 (A) IN THIS SECTION, "CARRIER" HAS THE MEANING STATED IN §
2 15-1301 OF THIS TITLE.

3 (B) A CARRIER MAY NOT DENY, CANCEL, OR REFUSE TO RENEW AN
4 INDIVIDUAL HEALTH INSURANCE POLICY SOLELY BECAUSE OF THE
5 PRESCRIPTION DRUG HISTORY OF AN INSURED.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2009.