

HOUSE BILL 689

C3, J2

2lr0967
CF SB 782

By: **Delegate Costa**

Introduced and read first time: February 8, 2012

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Insurance – Pharmacy Benefits Managers – Specialty Drugs**

3 FOR the purpose of requiring the State Board of Pharmacy to determine and prepare a
4 list of the prescription drugs that may be considered specialty drugs by a
5 pharmacy benefits manager; requiring the Board to publish its list of specialty
6 drugs in the Maryland Register with a certain frequency; specifying the
7 prescription drugs that a pharmacy benefits manager may designate as
8 specialty drugs on a formulary; requiring a pharmacy benefits manager to allow
9 any licensed pharmacy or licensed pharmacist in the State to fill a prescription
10 for a specialty drug under certain circumstances; prohibiting a pharmacy
11 benefits manager from requiring a specialty drug to be dispensed by mail order;
12 defining a certain term; and generally relating to pharmacy benefits managers
13 and specialty drugs.

14 BY adding to
15 Article – Insurance
16 Section 15–1611
17 Annotated Code of Maryland
18 (2011 Replacement Volume)

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

21 **Article – Insurance**

22 **15–1611.**

23 **(A) IN THIS SECTION, “SPECIALTY DRUG” MEANS A PRESCRIPTION**
24 **DRUG THAT REQUIRES SPECIAL HANDLING, SPECIAL ADMINISTRATION, UNIQUE**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 INVENTORY MANAGEMENT, A HIGH LEVEL OF PATIENT MONITORING, OR MORE
2 INTENSE PATIENT SUPPORT THAN CONVENTIONAL THERAPIES.

3 (B) THE STATE BOARD OF PHARMACY SHALL DETERMINE AND
4 PREPARE A LIST OF THE PRESCRIPTION DRUGS THAT MAY BE CONSIDERED
5 SPECIALTY DRUGS BY A PHARMACY BENEFITS MANAGER UNDER THIS SECTION.

6 (C) EVERY 6 MONTHS, THE STATE BOARD OF PHARMACY SHALL
7 PUBLISH ITS LIST OF SPECIALTY DRUGS IN THE MARYLAND REGISTER.

8 (D) IF A PHARMACY BENEFITS MANAGER INTENDS TO DESIGNATE
9 CERTAIN PRESCRIPTION DRUGS AS SPECIALTY DRUGS ON A FORMULARY, THE
10 PHARMACY BENEFITS MANAGER MAY DESIGNATE ONLY PRESCRIPTION DRUGS
11 THAT ARE ON THE LIST OF SPECIALTY DRUGS PUBLISHED BY THE STATE BOARD
12 OF PHARMACY.

13 (E) A PHARMACY BENEFITS MANAGER SHALL ALLOW ANY LICENSED
14 PHARMACY OR LICENSED PHARMACIST IN THE STATE TO FILL A PRESCRIPTION
15 FOR A SPECIALTY DRUG IF THE LICENSED PHARMACY OR LICENSED
16 PHARMACIST:

17 (1) HAS A CONTRACT WITH THE PHARMACY BENEFITS MANAGER;

18 (2) HAS THE SPECIALTY DRUG IN INVENTORY OR HAS READY
19 ACCESS TO THE SPECIALTY DRUG; AND

20 (3) IS CAPABLE OF COMPLYING WITH ANY SPECIAL HANDLING,
21 SPECIAL ADMINISTRATION, INVENTORY MANAGEMENT, PATIENT MONITORING,
22 OR PATIENT SUPPORT REQUIREMENTS FOR THE SPECIALTY DRUG.

23 (F) A PHARMACY BENEFITS MANAGER MAY NOT REQUIRE A SPECIALTY
24 DRUG TO BE DISPENSED BY MAIL ORDER.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2012.