

# SENATE BILL 782

C3, J2

2lr2970  
CF 2lr0967

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By: **Senator Pugh**

Introduced and read first time: February 3, 2012

Assigned to: Finance

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## 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**

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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.