

HB1005/766880/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1005

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and P. Young” and substitute “P. Young, Hammen, and Bromwell”; strike beginning with “requiring” in line 7 down through “request;” in line 10 and substitute “establishing an exception to the prohibition against applying a copayment or coinsurance requirement for certain contraceptive drugs or devices;”; in line 12, after “a” insert “certain”; strike beginning with “except” in line 12 down through “time” in line 13 and substitute “subject to certain exceptions”; in line 14, after “fee” insert “paid”; in line 15, strike “certain individuals” and substitute “the pharmacist”; in the same line, strike “a certain” and substitute “the”; in line 17, after “drugs” insert “, subject to certain limitations”; and in line 18, strike “organizations” and substitute “organization”.

On page 2, in lines 10 and 11, strike “adherence purposes” and substitute “the member to adhere to the appropriate use of the prescription drug or device; prohibiting the Maryland Medical Assistance Program and the Maryland Children’s Health Program from applying a prior authorization requirement for certain contraceptive drugs and devices; requiring the Maryland Medical Assistance Program and the Maryland Children’s Health Program to provide coverage for a single dispensing to an enrollee of a certain supply of prescription contraceptives, subject to a certain exception”; and after line 23, insert:

“BY adding to

Article – Health – General

Section 15-148

Annotated Code of Maryland

(2015 Replacement Volume)”.

AMENDMENT NO. 2

(Over)

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On page 3, in line 1, after “(C)” insert “**(1)**”; in the same line, strike “**EXCEPT WITH RESPECT**” and substitute “**THIS SUBSECTION DOES NOT APPLY**”; in line 3, strike “, AN” and substitute “.

(2) **AN**”;

after line 3, insert:

“(1) EXCEPT FOR A DRUG OR DEVICE FOR WHICH THE U.S. FOOD AND DRUG ADMINISTRATION HAS ISSUED A BLACK BOX WARNING, MAY NOT APPLY A PRIOR AUTHORIZATION REQUIREMENT FOR A CONTRACEPTIVE DRUG OR DEVICE THAT IS:

- 1. A. AN INTRAUTERINE DEVICE; OR**
- B. AN IMPLANTABLE ROD;**
- 2. APPROVED BY THE U.S. FOOD AND DRUG ADMINISTRATION; AND**
- 3. OBTAINED UNDER A PRESCRIPTION WRITTEN BY AN AUTHORIZED PRESCRIBER; AND”;**

in lines 4, 6, and 8, strike “**(1)**”, “**(I)**”, and “**(II)**”, respectively, and substitute “**(II)**”, “**1.**”, and “**2.**”, respectively; in line 4, before “MAY” insert “**EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,**”; in lines 4 and 5, strike “**COPAYMENT, COINSURANCE, OR PRIOR AUTHORIZATION**” and substitute “**COPAYMENT OR COINSURANCE**”; in line 9, strike “; BUT” and substitute a period; and in line 10, strike “**(2)**” and substitute “**(3) AN ENTITY SUBJECT TO THIS SECTION**”.

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AMENDMENT NO. 3

On page 3, strike in their entirety lines 15 through 24, inclusive.

AMENDMENT NO. 4

On page 3, in line 25, strike “(E)” and substitute “(D)”; in the same line, strike “PARAGRAPH (2)” and substitute “PARAGRAPHS (2) AND (3)”; in line 28, strike “13-MONTH” and substitute “6-MONTH”; after line 28, insert:

“(2) SUBJECT TO § 15-824 OF THIS SUBTITLE, AN ENTITY SUBJECT TO THIS SECTION MAY PROVIDE COVERAGE FOR A SUPPLY OF PRESCRIPTION CONTRACEPTIVES THAT IS FOR LESS THAN A 6-MONTH PERIOD, IF A 6-MONTH SUPPLY WOULD EXTEND BEYOND THE PLAN YEAR.”;

in line 29, strike “(2)” and substitute “(3)”; in the same line, after “(1)” insert “OF THIS SUBSECTION”; in the same line, after “THE” insert “FIRST 2-MONTH SUPPLY OF PRESCRIPTION CONTRACEPTIVES DISPENSED TO AN INSURED OR AN ENROLLEE UNDER:

(I) THE INITIAL”;

in the same line, strike “FIRST”; in the same line, after “PRESCRIPTION” insert “FOR THE CONTRACEPTIVES; OR

(II) ANY SUBSEQUENT PRESCRIPTION FOR A CONTRACEPTIVE THAT IS DIFFERENT THAN THE LAST CONTRACEPTIVE DISPENSED TO”;

and in line 30, strike “OR CHANGE IN A PRESCRIPTION FOR CONTRACEPTIVES FOR”.

(Over)

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On page 4, in line 1, strike “(3)” and substitute “(4)”; in line 3, strike “13-MONTH” and substitute “6-MONTH”; in line 4, after “FEE” insert “PAID”; and in lines 4 and 5, strike “OR OTHER INDIVIDUAL AUTHORIZED BY LAW TO DISPENSE PRESCRIPTION CONTRACEPTIVES”.

AMENDMENT NO. 5

On page 4, in line 6, strike “(F)” and substitute “(E) (1)”; in the same line, strike “AN” and substitute “SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN”; in lines 7 and 10, strike “(1)” and “(2)”, respectively, and substitute “(I)” and “(II)”, respectively; in line 9, after “AVAILABLE” insert “BY PRESCRIPTION AND”; in line 11, after “PRESCRIPTION” insert “UNDER ITEM (I) OF THIS PARAGRAPH”; and in line 13, after “PRESCRIPTION” insert “.

(2) AN ENTITY SUBJECT TO THIS SECTION:

(I) MAY ONLY BE REQUIRED TO PROVIDE POINT-OF-SALE COVERAGE UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION AT IN-NETWORK PHARMACIES; AND

(II) MAY LIMIT THE FREQUENCY WITH WHICH THE COVERAGE REQUIRED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION IS PROVIDED.”

AMENDMENT NO. 6

On page 6, in line 18, strike “ADHERENCE PURPOSES” and substitute “THE MEMBER TO ADHERE TO THE APPROPRIATE USE OF THE PRESCRIPTION DRUG OR DEVICE”.

AMENDMENT NO. 7

On page 6, after line 23, insert:

“Article – Health – General

15-148.

(A) EXCEPT FOR A DRUG OR DEVICE FOR WHICH THE U.S. FOOD AND DRUG ADMINISTRATION HAS ISSUED A BLACK BOX WARNING, THE PROGRAM AND THE MARYLAND CHILDREN’S HEALTH PROGRAM MAY NOT APPLY A PRIOR AUTHORIZATION REQUIREMENT FOR A CONTRACEPTIVE DRUG OR DEVICE THAT IS:

(1) (I) AN INTRAUTERINE DEVICE; OR

(II) AN IMPLANTABLE ROD;

(2) APPROVED BY THE U.S. FOOD AND DRUG ADMINISTRATION;

AND

(3) OBTAINED UNDER A PRESCRIPTION WRITTEN BY AN AUTHORIZED PRESCRIBER.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE PROGRAM AND THE MARYLAND CHILDREN’S HEALTH PROGRAM SHALL PROVIDE COVERAGE FOR A SINGLE DISPENSING TO AN ENROLLEE OF A SUPPLY OF PRESCRIPTION CONTRACEPTIVES FOR A 6-MONTH PERIOD.

(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO THE FIRST 2-MONTH SUPPLY OF PRESCRIPTION CONTRACEPTIVES DISPENSED TO AN ENROLLEE UNDER:

(Over)

(I) THE INITIAL PRESCRIPTION FOR THE CONTRACEPTIVES;

OR

(II) ANY SUBSEQUENT PRESCRIPTION FOR A CONTRACEPTIVE THAT IS DIFFERENT THAN THE LAST CONTRACEPTIVE DISPENSED TO THE ENROLLEE.”;

and in line 25, after “plans” insert “subject to this Act that are”.