

HOUSE BILL 994

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8lr1674
CF SB 774

By: ~~Delegate Barron~~ **Delegates Barron, Hettleman, Pendergrass, Angel, Cullison, Hayes, Hill, Kelly, Kipke, Morales, Morgan, Pena-Melnyk, Platt, Rosenberg, Sample-Hughes, and K. Young**

Introduced and read first time: February 7, 2018
Assigned to: Health and Government Operations

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 13, 2018

CHAPTER _____

1 AN ACT concerning

2 **Maryland Medical Assistance Program – Family Planning Services**

3 FOR the purpose of requiring the Maryland Department of Health to apply to the Centers
4 for Medicare and Medicaid Services for a certain State plan amendment to the
5 Family Planning Program; altering the length of the period for which the Maryland
6 Medical Assistance Program and the Maryland Children’s Health Program is
7 required to provide coverage to enrollees for a single dispensing of a supply of
8 prescription contraceptives; repealing a provision of law providing for an exemption
9 of a certain supply of prescription contraceptives from certain coverage
10 requirements; requiring the Department to establish a certain workgroup; requiring
11 the Department to report to the General Assembly on or before a certain date;
12 requiring, on or before a certain date, the Department, in collaboration with the
13 Maryland Health Benefit Exchange, to establish a presumptive eligibility process
14 and integrate an eligibility and enrollment process for the Family Planning Program
15 into the Maryland Health Connection; and generally relating to the Maryland
16 Medical Assistance Program and family planning.

17 BY adding to
18 Article – Health – General
19 Section 15–140
20 Annotated Code of Maryland
21 (2015 Replacement Volume and 2017 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, with amendments,
2 Article – Health – General
3 Section 15–148
4 Annotated Code of Maryland
5 (2015 Replacement Volume and 2017 Supplement)

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

8 **Article – Health – General**

9 **15–140.**

10 **THE DEPARTMENT SHALL APPLY TO THE CENTERS FOR MEDICARE AND**
11 **MEDICAID SERVICES FOR A STATE PLAN AMENDMENT TO THE FAMILY PLANNING**
12 **PROGRAM THAT:**

13 **(1) PROVIDES, SUBJECT TO THE LIMITATIONS OF THE STATE**
14 **BUDGET, FAMILY PLANNING SERVICES TO AN INDIVIDUAL WHOSE INDIVIDUAL**
15 **INCOME IS AT OR BELOW 250% OF THE POVERTY LEVEL, AS ALLOWED BY FEDERAL**
16 **LAW;**

17 **(2) DOES NOT IMPOSE AGE LIMITATIONS ON INDIVIDUALS WHO ARE**
18 **ABLE TO RECEIVE FAMILY PLANNING SERVICES;**

19 **(3) ESTABLISHES A PRESUMPTIVE ELIGIBILITY PROCESS FOR**
20 **ENROLLMENT IN THE FAMILY PLANNING PROGRAM; AND**

21 **(4) EXEMPTS THE FAMILY PLANNING PROGRAM FROM FEDERAL**
22 **COORDINATION OF BENEFITS REQUIREMENTS IF AUTHORIZED UNDER FEDERAL**
23 **LAW.**

24 15–148.

25 (a) Except for a drug or device for which the U.S. Food and Drug Administration
26 has issued a black box warning, the Program and the Maryland Children's Health Program
27 may not apply a prior authorization requirement for a contraceptive drug or device that is:

28 (1) (i) An intrauterine device; or

29 (ii) An implantable rod;

30 (2) Approved by the U.S. Food and Drug Administration; and

31 (3) Obtained under a prescription written by an authorized prescriber.

1 (b) [(1) Except as provided in paragraph (2) of this subsection, the] **THE**
2 Program and the Maryland Children’s Health Program shall provide coverage for a single
3 dispensing to an enrollee of a supply of prescription contraceptives for a [6-month]
4 **12-MONTH** period.

5 [(2) Paragraph (1) of this subsection does not apply to the first 2-month
6 supply of prescription contraceptives dispensed to an enrollee under:

7 (i) The initial prescription for the contraceptives; or

8 (ii) Any subsequent prescription for a contraceptive that is different
9 than the last contraceptive dispensed to the enrollee.]

10 (c) The Program and the Maryland Children’s Health Program shall provide
11 coverage for services rendered to an enrollee by a licensed pharmacist under § 12-511 of
12 the Health Occupations Article, to the same extent as services rendered by any other
13 licensed health care practitioner, in screening an enrollee and prescribing contraceptives
14 for the enrollee.

15 SECTION 2. AND BE IT FURTHER ENACTED, That:

16 (a) The Maryland Department of Health shall establish a workgroup of interested
17 stakeholders to:

18 (1) advise the Department on the Medicaid Family Planning Program
19 regarding methods for:

20 (i) streamlining the enrollment process through presumptive
21 eligibility; and

22 (ii) using the Medicaid Family Planning Program to encourage
23 eligible individuals to enroll for full health insurance coverage through the Maryland
24 Medical Assistance Program or through a Qualified Health Plan; and

25 (2) make recommendations to ensure that all participants in the Medicaid
26 Family Planning Program have access to the full range of contraceptive options appropriate
27 for the participant.

28 (b) On or before December 1, 2018, the Department shall report to the General
29 Assembly, in accordance with § 2-1246 of the State Government Article, on the
30 recommendations of the workgroup.

31 SECTION 3. AND BE IT FURTHER ENACTED, That, on or before October 1, 2020,
32 the Maryland Department of Health, in collaboration with the Maryland Health Benefit
33 Exchange, shall:

HOUSE BILL 994

1 (1) establish a presumptive eligibility process for the Family Planning
2 Program established under Section 1 of this Act; and

3 (2) integrate the eligibility and enrollment process for the Family Planning
4 Program into the Maryland Health Connection.

5 SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 July 1, 2018.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.