

SENATE BILL 774

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CF 8lr1674

By: **Senator Benson**

Introduced and read first time: February 5, 2018

Assigned to: Finance

A BILL ENTITLED

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; and
12 generally relating to the Maryland Medical Assistance Program and family planning.

13 BY adding to

14 Article – Health – General
15 Section 15–140
16 Annotated Code of Maryland
17 (2015 Replacement Volume and 2017 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article – Health – General
20 Section 15–148
21 Annotated Code of Maryland
22 (2015 Replacement Volume and 2017 Supplement)

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

25 **Article – Health – General**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 15-140.

2 THE DEPARTMENT SHALL APPLY TO THE CENTERS FOR MEDICARE AND
3 MEDICAID SERVICES FOR A STATE PLAN AMENDMENT TO THE FAMILY PLANNING
4 PROGRAM THAT:

5 (1) PROVIDES, SUBJECT TO THE LIMITATIONS OF THE STATE
6 BUDGET, FAMILY PLANNING SERVICES TO AN INDIVIDUAL WHOSE INDIVIDUAL
7 INCOME IS AT OR BELOW 250% OF THE POVERTY LEVEL, AS ALLOWED BY FEDERAL
8 LAW;

9 (2) DOES NOT IMPOSE AGE LIMITATIONS ON INDIVIDUALS WHO ARE
10 ABLE TO RECEIVE FAMILY PLANNING SERVICES;

11 (3) ESTABLISHES A PRESUMPTIVE ELIGIBILITY PROCESS FOR
12 ENROLLMENT IN THE FAMILY PLANNING PROGRAM; AND

13 (4) EXEMPTS THE FAMILY PLANNING PROGRAM FROM FEDERAL
14 COORDINATION OF BENEFITS REQUIREMENTS IF AUTHORIZED UNDER FEDERAL
15 LAW.

16 15-148.

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

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

21 (ii) An implantable rod;

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

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

24 (b) [(1) Except as provided in paragraph (2) of this subsection, the] THE
25 Program and the Maryland Children's Health Program shall provide coverage for a single
26 dispensing to an enrollee of a supply of prescription contraceptives for a [6-month]
27 12-MONTH period.

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

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

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

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

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

9 (a) The Maryland Department of Health shall establish a workgroup of interested
10 stakeholders to:

11 (1) advise the Department on the Medicaid Family Planning Program
12 regarding methods for:

13 (i) streamlining the enrollment process through presumptive
14 eligibility; and

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

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

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

24 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
25 1, 2018.