SENATE BILL 323

By: Senator Augustine
Introduced and read first time: January 20, 2022
Assigned to: Finance

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 4, 2022

CHAPTER _____

1  AN ACT concerning

Maryland Medical Assistance Program – Prior Authorization for Drug Products
Public Health – Medications to Treat an Opioid Use Disorder – Prohibition
Preferred and Nonpreferred Medications

2  FOR the purpose of prohibiting the Maryland Medical Assistance Program from applying
a prior authorization requirement for certain drug products when used to treat an
opioid use disorder; and generally relating to the Maryland Medical Assistance
Program and the coverage of drug products requiring the Maryland Department of
Health to adopt a certain reporting system, analyze patterns of prescribing
medications in the State, conduct outreach, and identify certain barriers related to
prescribing medications to treat an opioid use disorder; and generally relating to
medications to treat an opioid use disorder.

3  BY adding to
4  Article – Health – General
5  Section 15-150 8–1102 to be under the amended subtitle “Subtitle 11. Opioid
6  Addiction Treatment Prescribers”
7  Annotated Code of Maryland
8  (2019 Replacement Volume and 2021 Supplement)

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

11  Article – Health – General

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.
THE PROGRAM MAY NOT APPLY A PRIOR AUTHORIZATION REQUIREMENT FOR A PRESCRIPTION DRUG:

(1) WHEN USED FOR TREATMENT OF AN OPIOID USE DISORDER; AND

(2) THAT CONTAINS METHADONE, BUPRENOPHINE, OR NALTREXONE.


8–1102.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “NONPREFERRED MEDICATION” MEANS A MEDICATION PRESCRIBED TO TREAT AN OPIOID USE DISORDER THAT CONTAINS METHADONE, BUPRENOPHINE, OR NALTREXONE AND IS NOT ON THE STATE’S PREFERRED DRUG LIST.

(3) “PREFERRED MEDICATION” MEANS A MEDICATION PRESCRIBED TO TREAT AN OPIOID USE DISORDER THAT CONTAINS METHADONE, BUPRENOPHINE, OR NALTREXONE AND IS ON THE STATE’S PREFERRED DRUG LIST.

(B) THE DEPARTMENT SHALL:

(1) ADOPT A REPORTING SYSTEM TO MONITOR THE PRESCRIBING OF MEDICATIONS TO TREAT OPIOID USE DISORDERS IN THE STATE, INCLUDING WHICH MEDICATIONS ARE BEING PRESCRIBED;

(2) ANALYZE PATTERNS OF PRESCRIBING MEDICATIONS IN THE STATE TO IDENTIFY PRESCRIBERS WHO REGULARLY PRESCRIBE NONPREFERRED MEDICATIONS, INCLUDING A COMPARISON OF THE PATTERNS TO THE FINDINGS OF THE REPORT SUBMITTED UNDER SUBSECTION (D) OF THIS SECTION;

(3) CONDUCT OUTREACH TO INDIVIDUALS AUTHORIZED TO PRESCRIBE DRUGS AND DEVICES IN THE STATE USING EDUCATIONAL MATERIALS REGARDING THE BENEFITS OF PRESCRIBING PREFERRED MEDICATIONS; AND

(4) IDENTIFY BARRIERS TO INDIVIDUALS WHO NEED MEDICATION TO TREAT AN OPIOID USE DISORDER TO OBTAINING THE MEDICATION IN A TIMELY MANNER.
(C) On or before October 1 each year, beginning in 2023, the Department shall report on its findings and actions taken under subsection (B) of this section to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly.

(D) On or before October 1, 2022, the Department shall submit a report with an initial analysis of the items listed under subsection (B) of this section, to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly.

Section 2. And be it further enacted, that this Act shall take effect October 1, 2022.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.