

HOUSE BILL 1151

J5, J4, J1

3lr1759
CF SB 678

By: ~~Delegate Bhandari~~ **Delegates Bhandari, Alston, Bagnall, Chisholm, Cullison, Guzzone, Hill, Hutchinson, S. Johnson, Kaiser, Kerr, Kipke, R. Lewis, Lopez, Martinez, M. Morgan, Pena-Melnyk, Reilly, Rosenberg, Szeliga, Taveras, White, and Woods**

Introduced and read first time: February 10, 2023

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2023

CHAPTER _____

1 AN ACT concerning

2 **Health Insurance – Reimbursement for Services Rendered by a Pharmacist**

3 FOR the purpose of requiring the Maryland Medical Assistance Program, the Maryland
4 Children’s Health Program, and certain insurers, nonprofit health service plans, and
5 health maintenance organizations to provide coverage for all services rendered by a
6 licensed pharmacist within the pharmacist’s lawful scope of practice, rather than
7 only certain services, to the same extent as services rendered by any other health
8 care practitioner; and generally relating to reimbursement for health care services
9 provided by a pharmacist.

10 BY repealing and reenacting, with amendments,
11 Article – Health – General
12 Section 15–148
13 Annotated Code of Maryland
14 (2019 Replacement Volume and 2022 Supplement)

15 BY adding to
16 Article – Health – General
17 Section 15–151
18 Annotated Code of Maryland
19 (2019 Replacement Volume and 2022 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 – Insurance
3 Section 15–716
4 Annotated Code of Maryland
5 (2017 Replacement Volume and 2022 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 15–148.

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

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

14 (ii) An implantable rod;

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

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

17 (b) The Program and the Maryland Children’s Health Program shall provide
18 coverage for a single dispensing to an enrollee of a supply of prescription contraceptives for
19 a 12–month period.

20 [(c) The Program and the Maryland Children’s Health Program shall provide
21 coverage for services, to the same extent as services rendered by any other licensed health
22 care practitioner, rendered to an enrollee by a licensed pharmacist under:

23 (1) § 12–509 of the Health Occupations Article in administering
24 self-administered medications, maintenance injectable medications, or injectable
25 medications for treatment of sexually transmitted infections; or

26 (2) § 12–511 of the Health Occupations Article in screening an enrollee and
27 prescribing contraceptives for the enrollee.]

28 **15–151.**

29 **(A) THE PROGRAM AND THE MARYLAND CHILDREN’S HEALTH PROGRAM**
30 **SHALL PROVIDE COVERAGE FOR SERVICES RENDERED TO AN ENROLLEE BY A**
31 **LICENSED PHARMACIST ACTING WITHIN THE PHARMACIST’S LAWFUL SCOPE OF**

1 PRACTICE TO THE SAME EXTENT AS SERVICES RENDERED BY ANY OTHER LICENSED
2 HEALTH CARE PROVIDER.

3 (B) REIMBURSEMENT FOR SERVICES PROVIDED UNDER SUBSECTION (A) OF
4 THIS SECTION MAY NOT BE CONDITIONED ON WHETHER THE LICENSED PHARMACIST
5 IS:

6 (1) EMPLOYED BY A PHYSICIAN, PHARMACY, OR FACILITY; OR

7 (2) ACTING UNDER A PHYSICIAN'S ORDERS.

8 Article – Insurance

9 15–716.

10 (a) This section applies to individual, group, or blanket health insurance policies
11 and contracts delivered or issued for delivery in the State by insurers, nonprofit health
12 service plans, and health maintenance organizations [that provide coverage for patient
13 assessment regarding, and administration of, self-administered medications, maintenance
14 injectable medications, and injectable medications for treatment of sexually transmitted
15 infections] **THAT PROVIDE COVERAGE FOR SERVICES THAT ARE WITHIN THE LAWFUL
16 SCOPE OF PRACTICE OF A LICENSED PHARMACIST.**

17 (b) An entity subject to this section shall provide coverage for services rendered
18 by a licensed pharmacist [under § 12–509 of the Health Occupations Article] **ACTING
19 WITHIN THE PHARMACIST'S LAWFUL SCOPE OF PRACTICE** to an individual who is
20 covered under a policy or contract issued or delivered by the entity, to the same extent as
21 services rendered by any other licensed health care practitioner[, for patient assessment
22 regarding and in administering self-administered medications, maintenance injectable
23 medications, or injectable medications for treatment of sexually transmitted infections].

24 (C) REIMBURSEMENT FOR SERVICES PROVIDED UNDER THIS SECTION MAY
25 NOT BE CONDITIONED ON WHETHER THE LICENSED PHARMACIST IS:

26 (1) EMPLOYED BY A PHYSICIAN, PHARMACY, OR FACILITY; OR

27 (2) ACTING UNDER A PHYSICIAN'S ORDERS.

28 SECTION 2. AND BE IT FURTHER ENACTED, That, to implement § 15–151 of the
29 Health – General Article, as enacted by Section 1 of this Act, on or before January 1, 2024,
30 the Maryland Department of Health shall apply for and obtain from the U.S. Department
31 of Health and Human Services any necessary amendments to or waivers for the Maryland
32 Medical Assistance Program or the Maryland Children's Health Program.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall apply to all
2 policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or
3 after January 1, 2024.

4 SECTION ~~3.~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2023.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.