# **SENATE BILL 678**

#### J5, J4, J1

3lr1760 CF HB 1151

#### By: Senator Beidle

Introduced and read first time: February 6, 2023 Assigned to: Finance

Committee Report: Favorable with amendments Senate action: Adopted Read second time: March 3, 2023

CHAPTER \_\_\_\_\_

## 1 AN ACT concerning

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

FOR the purpose of requiring the Maryland Medical Assistance Program, the Maryland
Children's Health Program, and certain insurers, nonprofit health service plans, and
health maintenance organizations to provide coverage for all services rendered by a
licensed pharmacist within the pharmacist's lawful scope of practice, rather than
only certain services, to the same extent as services rendered by any other health
care practitioner; and generally relating to reimbursement for health care services
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)
- 20 BY repealing and reenacting, with amendments,
- 21 Article Insurance
- 22 Section 15–716

#### 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.



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$\frac{1}{2}$	Annotated Code of Maryland (2017 Replacement Volume and 2022 Supplement)
$\frac{3}{4}$	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
5	Article – Health – General
6	15 - 148.
$7 \\ 8 \\ 9$	(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:
10	(1) (i) An intrauterine device; or
11	(ii) An implantable rod;
12	(2) Approved by the U.S. Food and Drug Administration; and
13	(3) Obtained under a prescription written by an authorized prescriber.
$\begin{array}{c} 14\\ 15\\ 16\end{array}$	(b) 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 12-month period.
$17 \\ 18 \\ 19$	[(c) The Program and the Maryland Children's Health Program shall provide coverage for services, to the same extent as services rendered by any other licensed health care practitioner, rendered to an enrollee by a licensed pharmacist under:
$20 \\ 21 \\ 22$	(1) § 12–509 of the Health Occupations Article in administering self-administered medications, maintenance injectable medications, or injectable medications for treatment of sexually transmitted infections; or
$\begin{array}{c} 23\\ 24 \end{array}$	(2) § 12–511 of the Health Occupations Article in screening an enrollee and prescribing contraceptives for the enrollee.]
25	15 - 151.
26 27 28 29 30	(A) THE PROGRAM AND THE MARYLAND CHILDREN'S HEALTH PROGRAM SHALL PROVIDE COVERAGE FOR SERVICES RENDERED TO AN ENROLLEE BY A LICENSED PHARMACIST ACTING WITHIN THE PHARMACIST'S LAWFUL SCOPE OF PRACTICE TO THE SAME EXTENT AS SERVICES RENDERED BY ANY OTHER LICENSED HEALTH CARE PROVIDER.

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1 (B) REIMBURSEMENT FOR SERVICES PROVIDED UNDER SUBSECTION (A) OF 2 THIS SECTION MAY NOT BE CONDITIONED ON WHETHER THE LICENSED PHARMACIST 3 IS:

- 4 (1) EMPLOYED BY A PHYSICIAN, PHARMACY, OR FACILITY; OR
  5 (2) ACTING UNDER A PHYSICIAN'S ORDERS.
  6 Article Insurance
- 7 15–716.

8 (a) This section applies to individual, group, or blanket health insurance policies 9 and contracts delivered or issued for delivery in the State by insurers, nonprofit health 10 service plans, and health maintenance organizations [that provide coverage for patient 11 assessment regarding, and administration of, self–administered medications, maintenance 12 injectable medications, and injectable medications for treatment of sexually transmitted 13 infections] <u>THAT PROVIDE COVERAGE FOR SERVICES THAT ARE WITHIN THE LAWFUL</u> 14 SCOPE OF PRACTICE OF A LICENSED PHARMACIST.

15 (b) An entity subject to this section shall provide coverage for services rendered 16 by a licensed pharmacist [under § 12–509 of the Health Occupations Article] ACTING 17 WITHIN THE PHARMACIST'S LAWFUL SCOPE OF PRACTICE to an individual who is 18 covered under a policy or contract issued or delivered by the entity, to the same extent as 19 services rendered by any other licensed health care practitioner[, for patient assessment 10 regarding and in administering self-administered medications, maintenance injectable 21 medications, or injectable medications for treatment of sexually transmitted infections].

## 22 (C) REIMBURSEMENT FOR SERVICES PROVIDED UNDER THIS SECTION MAY 23 NOT BE CONDITIONED ON WHETHER THE LICENSED PHARMACIST IS:

- 24
- (1) EMPLOYED BY A PHYSICIAN, PHARMACY, OR FACILITY; OR
- 25 (2) ACTING UNDER A PHYSICIAN'S ORDERS.

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

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

SECTION <del>3.</del> <u>4.</u> AND BE IT FURTHER ENACTED, That this Act shall take effect
 October 1, 2023.

Approved:

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Governor.

President of the Senate.

Speaker of the House of Delegates.