

Article – Health – General

15–160.

(A) IN THIS SECTION, “STEP THERAPY OR FAIL–FIRST PROTOCOL” HAS THE MEANING STATED IN § 15–142 OF THE INSURANCE ARTICLE.

(B) EXCEPT AS REQUIRED UNDER 42 U.S.C. § 1396A, BEGINNING JULY 1, 2026, THE PROGRAM MAY NOT:

(1) APPLY A PRIOR AUTHORIZATION REQUIREMENT FOR A PRESCRIPTION DRUG USED TO TREAT AN ADULT ENROLLEE’S DIAGNOSIS OF:

(I1) BIPOLAR DISORDER;

(II2) SCHIZOPHRENIA;

(III3) MAJOR DEPRESSION;

(IV4) POST–TRAUMATIC STRESS DISORDER; OR

(V5) A MEDICATION–INDUCED MOVEMENT DISORDER ASSOCIATED WITH THE TREATMENT OF A SERIOUS MENTAL ILLNESS.

(2) IMPOSE A PROCESS, INCLUDING A STEP THERAPY OR FAIL-FIRST PROTOCOL, THAT REQUIRES THE ADULT ENROLLEE TO FAIL TO SUCCESSFULLY RESPOND TO MORE THAN ONE PRESCRIPTION ANTIPSYCHOTIC DRUG.

(I) THE PROGRAM AND ITS CONTRACTORS SHALL GRANT THE ENROLLEE OR THEIR HEALTH CARE PRESCRIBER THE ABILITY TO BYPASS STEP THERAPY PROTOCOL BY PROVIDING ENROLLEE’S HISTORY OF FAILURE TO SUCCESSFULLY RESPOND TO ONE PREVIOUS PRESCRIPTION DRUG USED TO TREAT A DIAGNOSIS IN ACCORDANCE WITH PARAGRAPH B, SUBPARAGRAPH 1 OF THIS SECTION WHILE COVERED BY THEIR CURRENT OR PREVIOUS HEALTH BENEFIT PLAN.

(C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THIS SECTION SHALL NOT BE UNDERSTOOD TO PROHIBIT OR DISCOURAGE THE USE OF A GENERIC DRUG.

(D) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THIS SECTION SHALL NOT BE UNDERSTOOD TO PREVENT CLINICAL EDITS, NOR PREVENT THE PROGRAM FROM PERFORMING A DRUG UTILIZATION REVIEW THAT IS NECESSARY FOR PATIENT SAFETY OR TO ENSURE THAT THE PRESCRIBED USE IS FOR A MEDICALLY ACCEPTED INDICATION, AS REQUIRED BY SECTION 1927 OF THE SOCIAL SECURITY ACT.)

(GE) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THIS SECTION SHALL NOT BE UNDERSTOOD TO CONFLICT WITH SECTION 1927(A)(1) AND (B)(1(A) OF THE FEDERAL SOCIAL SECURITY ACT AND ANY IMPLEMENTING REGULATIONS AND AGREEMENTS, WHICH STATUTE REQUIRES MANUFACTURERS ENTERING INTO REBATE AGREEMENTS TO PAY REBATES TO STATE MEDICAID AGENCIES AND PERMITS THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES TO AUTHORIZE STATES TO ENTER DIRECTLY INTO AGREEMENTS WITH MANUFACTURERS, INCLUDING AGREEMENTS FOR SUPPLEMENTAL REBATES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 20, 2026. It shall remain effective for a period of 3 years and, at the end of June 30, 2029, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.