Presentation Overview

- Pharmacy-related legislation
- Legislative and regulatory resources
438th Session – Maryland General Assembly

- 90 days
- Nearly 3,000 bills & resolutions
- ELECTION YEAR!
- Fun Fact!
PBM-related Legislation

HB 1349/S 1079 – Pharmacy Benefit Managers - Revisions

Licensing and Enforcement
• Empowers MIA with new licensing and enforcement provisions including registration fees, financial disclosures, annual renewals and fines

Pharmacy Protections
• Eliminates Pharmacist “gag-rule” (similar language to HB736/SB576)
• PBM may not prohibit pharmacy from providing direct delivery services to enrollees
• PBM may not retaliate against a contracted pharmacy for filing an appeal or charge a fee related to an adjudication of a claim.
PBM-related Legislation Contd.

MAC List Reform
• Transparency in the methodology and sources for all MAC lists used by the PBM for their contracts with pharmacies
• Time line for updating and disclosing the list as well as for eliminating drugs that do not meet the requirements
• Dispensing fees and other professional fees may not be included in MAC calculations
• List must be updated every seven days
• Disclosure requirements if non-parity for medications dispensed in retail vs. mail-order
PBM-related Legislation Contd.

Standards for PBMs Related to Pharmacy Appeals
• Requires an appeal response within seven days
• Specific guidance on how to file an appeal to be publicly available on the PBMs website
• Denied appeals may be submitted as complaints to MIA within 30 days

Additional Bills
HB 1183/SB 1076 – Health Insurance – Access to and Coverage of Prescription Drugs (specialty drugs)
HB 1290/SB 1074 – Health Insurance and Pharmacy Benefit Managers – Reimbursement for and Provision of Pharmacy Services (no below cost dispensing)
HB 1527/SB 1075 – Health Insurance – Freedom of Choice of Pharmacy Act (any willing pharmacy)
HB 1376/SB 1077 – Pharmacy Benefits – Processing and Adjudication of Claims – Restrictions on Fees (prohibits DIR fees)
Health Providers – Pharmacy Interest

HB 1558 – Pharmacists – Dispensing of Prescription Drugs – Single Dispensing of Dosage Units
Authorizes pharmacist to dispense in a single dispensing up to 90-day supply, based on pharmacist judgment (caveats for CDS and contraceptives)

HB 591/SB 549 – Health Occupations – Physician Assistants – Dispensing of Drugs Under a Delegation Agreement
Allows Physician Assistants to dispense medications under delegation agreements with physicians who hold dispensing permits

HB 1063 – Physicians – Dispensing Permit – PrePackaged Topical
Exempts the requirement for a dispensing permit if the physician will dispense a prepackaged topical
Drug Pricing

HB 1194/SB 1023 – Health - Drug Cost Review Commission

- Establishes a Drug Cost Review Commission/Advisory Board

Requires manufacturer notification for:

**Brands:** when 1) the wholesale acquisition cost increases by more than 10% or by $10K a 12-month period; or 2) If the manufacturer intends to market a brand-name drug that has a wholesale acquisition cost of $30,000 per calendar year or per course of treatment

**Generics:** when the wholesale acquisition cost increases by 25% or by more than $300 during any 12-month period

- Outlines courses of action related to how the drug will be made available if the advisory board determines that the drug will lead to excess costs incurred by the state.
Public Health – Opioid - Related Legislation

HB 601 – Public Health – Opioids – Dispensing Requirement
• Requires an opioid to be dispensed with a deactivator to be used for drug disposal

HB 88/SB 1083 - Public Health - Prescription Drug Monitoring Program - Provisions
• Requires PDMP review of data for indications of misuse and abuse

HB 407/SB 232 - Public Health – General Hospice Care Programs – Collection and Disposal of Unused Prescription Medication
• Requires hospice facilities to develop medication collection and disposal policies in line with DEA requirements
Other Bills of Interest

HB 2 - Natalie M. LaPrade Medical Cannabis Commission Reform Act
• Pharmacist seat was a casualty in the commission reform.
• Amendment to add back pharmacy seat was accepted

HB 115/SB 13 - Electronic Prescriptions Cost Saving Act
• Requires dispensers to submit all prescription information to the state health information exchange, CRISP.
• Many issues with implementation
• Pharmacists access to CRISP is extremely limited
• Moved to a work group
Legislative and Regulatory Resources

MPC Legislative Day Bill Overview (YouTube)
https://youtu.be/AfBUZRQ4ygk

Maryland General Assembly
http://mgaleg.maryland.gov/

Maryland Code of Regulations
http://www.dsd.state.md.us/COMAR/ComarHome.html

Fader’s Pharmacy Law Book: Pharmacy Laws and Regulations for the State of Maryland
www.marylandpharmacist.org
Questions
Thank you

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Maryland Pharmacists Association

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