

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND ELEVEN

H.P. 272 - L.D. 346

**An Act Regarding Pharmacy Reimbursement in MaineCare**

Be it enacted by the People of the State of Maine as follows:

**Sec. 1. 22 MRSA §3173-C, sub-§2**, as amended by PL 2007, c. 240, Pt. GGG, §1, is further amended to read:

**2. Prescription drug services.** Except as provided in this subsection and subsections 3 and 4, a payment of pharmacy shall charge a MaineCare member \$3.00 for each drug is to be collected from the MaineCare member for each drug prescription that is an approved MaineCare service. The department shall adopt and follow procedures to ensure compliance with the requirements of 42 United States Code, Section 1396o-1. A pharmacy that has followed the procedures adopted by the department to ensure compliance with the requirements of 42 United States Code, Section 1396o-1 may refuse to dispense the drug if the copayment is not paid. Copayments must be capped at \$30 per month per member. If a member is prescribed a drug in a quantity specifically intended by the provider or pharmacist, for the recipient's health and welfare, to last less than one month, only one payment for that drug for that month is required.

**Sec. 2. 22 MRSA §3173-C, sub-§8** is enacted to read:

**8. Notification.** The department shall notify each MaineCare member who is subject to the copayment requirement in subsection 2 of the copayment requirements, any exemptions and limitations prior to coding the member's information for required copayments and shall notify the member again during annual recertification of eligibility.

**Sec. 3. Review of cost of dispensing a prescription drug; report.** The Department of Health and Human Services shall review the cost of dispensing a prescription drug under the MaineCare program. By January 15, 2012, the department shall provide a report with recommendations to the Joint Standing Committee on Health and Human Services. In performing the review the department shall:

1. Provide opportunity for input to pharmacists and pharmacies licensed in the State and their representatives;

2. Consider changing copayments and dispensing fees under the MaineCare program;

3. Consider all recent federal studies of formulae for pharmacy reimbursement and information available from the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services; and

4. Review current and pending pharmacy reimbursement formulae under federal Medicaid law.

**Sec. 4. Effective date.** Those sections of this Act that amend the Maine Revised Statutes, Title 22, section 3173-C, subsection 2 and enact Title 22, section 3173-C, subsection 8 take effect upon amendment and federal approval of the Medicaid state plan but no earlier than October 1, 2011.

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In House of Representatives, ..... 2011

Read twice and passed to be enacted.

..... Speaker

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In Senate, ..... 2011

Read twice and passed to be enacted.

..... President

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Approved ..... 2011

..... Governor