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By: ~~Delegate Hammen~~ Delegates Hammen, Benson, Boutin, Bromwell,  
Costa, Donoghue, Elliott, Goldwater, Haynes, Hubbard, Hurson, Kach,  
Mandel, McDonough, Morhaim, Murray, Nathan-Pulliam, Oaks,  
Pendergrass, Redmer, Rosenberg, Rudolph, Smigiel, V. Turner, and  
Weldon

Introduced and read first time: February 13, 2003  
Assigned to: Rules and Executive Nominations  
Re-referred to: Health and Government Operations, February 27, 2003

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 18, 2003

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Maryland Pharmacy Assistance Program - Copayment**

3 FOR the purpose of altering the required copayment for the Maryland Pharmacy  
4 Assistance Program; and generally relating to copayments and the Maryland  
5 Pharmacy Assistance Program.

6 BY repealing and reenacting, without amendments,  
7 Article - Health - General  
8 Section 15-124(a)(1)  
9 Annotated Code of Maryland  
10 (2000 Replacement Volume and 2002 Supplement)

11 BY repealing and reenacting, with amendments,  
12 Article - Health - General  
13 Section 15-124(b)  
14 Annotated Code of Maryland  
15 (2000 Replacement Volume and 2002 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
17 MARYLAND, That the Laws of Maryland read as follows:

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**Article - Health - General**

2 15-124.

3 (a) (1) The Department shall maintain a Maryland Pharmacy Assistance  
4 Program for low income individuals whose:

5 (i) Assets are not more than 1.5 times the amount of accountable  
6 resources according to the asset schedule of the Maryland Medical Assistance  
7 Program; and

8 (ii) Gross annual income does not exceed:

9 1. \$4,600 plus \$500 for each individual over 1 in a family  
10 unit; and

11 2. An annual increase set by the Secretary under paragraph  
12 (2)(ii)4 of this subsection.

13 (b) (1) (i) Reimbursement under the Maryland Pharmacy Assistance  
14 Program may be limited to maintenance drugs, anti-infectives, and AZT as specified  
15 in regulations to be issued by the Secretary after consultation with the Maryland  
16 Pharmacists Association.

17 (ii) 1. For any drug on the Program's interchangeable drug list,  
18 the Program shall reimburse providers in an amount not more than it would  
19 reimburse for the drug's generic equivalent, unless the individual's physician states,  
20 in his or her own handwriting, on the face of the prescription, that a specific brand is  
21 "medically necessary" for the particular patient.

22 2. If an appropriate generic drug is not generally available,  
23 the Department may waive the reimbursement requirement under  
24 sub-subparagraph 1 of this subparagraph.

25 (2) The reimbursement shall be up to the amount paid for the same  
26 items or services under the pharmacy program of the Maryland Medical Assistance  
27 Program and shall be subject to a copayment of not more than [\$5.00 for each covered  
28 item or service]:

29 (I) \$2.50 FOR A GENERIC DRUG OR A BRAND NAME DRUG ON A  
30 PREFERRED DRUG LIST ESTABLISHED BY THE DEPARTMENT; AND

31 (II) \$7.50 FOR A BRAND NAME DRUG NOT ON A PREFERRED DRUG  
32 LIST ESTABLISHED BY THE DEPARTMENT.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
34 October 1, 2003.

