

HOUSE BILL 1546

C3, J2

8lr1460

By: **Delegates Hill, Lam, Morhaim, and West**
Introduced and read first time: February 9, 2018
Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Pharmacy Benefits Managers – Requirements for Prior Authorization**

3 FOR the purpose of prohibiting a pharmacy benefits manager from requiring prior
4 authorization for certain coverage of certain prescription drugs prescribed in certain
5 situations; authorizing a pharmacy benefits manager to require a prescriber to
6 certify certain information after a drug is dispensed by the prescriber; requiring that
7 a prior authorization form include a certain question; prohibiting a pharmacy
8 benefits manager from requesting a reauthorization for a certain prescription drug
9 if a prescriber indicates on a certain form that the prescription is for a certain
10 condition; requiring a pharmacy benefits manager to retain a database of certain
11 information in a certain manner; requiring a pharmacy benefits manager to
12 establish a list of alternative prescription drugs for certain prescription drugs that
13 require prior authorization; requiring a pharmacy benefits manager or the pharmacy
14 benefits manager's agent to provide a prescriber with a certain list of certain drugs
15 during a certain communication requesting a prior authorization for a certain drug;
16 and generally relating to pharmacy benefits managers and prior authorization
17 requirements for prescription drugs.

18 BY adding to
19 Article – Insurance
20 Section 15–1611
21 Annotated Code of Maryland
22 (2017 Replacement Volume)

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

25 **Article – Insurance**

26 **15–1611.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 **(A) (1) A PHARMACY BENEFITS MANAGER MAY NOT REQUIRE PRIOR**
2 **AUTHORIZATION FOR COVERAGE OF:**

3 **(I) THE LENGTH OF AN INITIAL PRESCRIPTION FOR A**
4 **NONNARCOTIC OR NONBENZODIAZEPINE DRUG THAT IS PRESCRIBED IN AN**
5 **EMERGENCY SITUATION; OR**

6 **(II) NO MORE THAN 72 HOURS OF AN INITIAL PRESCRIPTION**
7 **FOR A NARCOTIC OR BENZODIAZEPINE DRUG PRESCRIBED IN AN EMERGENCY**
8 **SITUATION.**

9 **(2) AFTER A DRUG IS DISPENSED BY A PRESCRIBER, A PHARMACY**
10 **BENEFITS MANAGER MAY REQUIRE A PRESCRIBER TO CERTIFY THAT THE**
11 **PRESCRIPTION WAS PRESCRIBED IN AN EMERGENCY SITUATION.**

12 **(B) (1) A PRIOR AUTHORIZATION FORM FOR A PRESCRIPTION DRUG**
13 **SHALL INCLUDE A QUESTION REGARDING WHETHER THE PRESCRIPTION DRUG IS**
14 **FOR A CHRONIC OR LONG-TERM CONDITION FOR WHICH THE PRESCRIPTION DRUG**
15 **MAY BE NECESSARY FOR THE LIFE OF THE PATIENT.**

16 **(2) IF A PRESCRIBER INDICATES ON A PRIOR AUTHORIZATION FORM**
17 **THAT THE PRESCRIPTION DRUG IS FOR A CHRONIC OR LONG-TERM CONDITION FOR**
18 **WHICH THE PRESCRIPTION DRUG MAY BE NECESSARY FOR THE LIFE OF THE**
19 **PATIENT, THE PHARMACY BENEFITS MANAGER MAY NOT REQUEST A**
20 **REAUTHORIZATION FOR THE SAME PRESCRIPTION DRUG.**

21 **(3) A PHARMACY BENEFITS MANAGER SHALL RETAIN A DATABASE OF**
22 **INFORMATION RECEIVED FROM PRIOR AUTHORIZATION FORMS IN A MANNER THAT**
23 **ALLOWS A PRESCRIBER TO UPDATE THE INFORMATION WITHOUT RESUBMITTING**
24 **INFORMATION THAT HAS NOT CHANGED FOR FUTURE PRIOR AUTHORIZATIONS FOR**
25 **THE SAME PATIENT AND CONDITION.**

26 **(C) (1) FOR EACH PRESCRIPTION DRUG THAT REQUIRES A PRIOR**
27 **AUTHORIZATION FROM A PHARMACY BENEFITS MANAGER, THE PHARMACY**
28 **BENEFITS MANAGER SHALL ESTABLISH A LIST OF ALTERNATIVE PRESCRIPTION**
29 **DRUGS THAT DO NOT REQUIRE PRIOR AUTHORIZATION.**

30 **(2) IN THE SAME COMMUNICATION IN WHICH A PHARMACY BENEFITS**
31 **MANAGER OR THE PHARMACY BENEFITS MANAGER'S AGENT REQUESTS A PRIOR**
32 **AUTHORIZATION FOR A PRESCRIPTION DRUG FROM A PRESCRIBER, THE PHARMACY**
33 **BENEFITS MANAGER OR THE PHARMACY BENEFITS MANAGER'S AGENT SHALL**
34 **PROVIDE THE PRESCRIBER WITH A LIST OF ALTERNATIVE PRESCRIPTION DRUGS OF**

1 THE SAME CLASS AND FAMILY AS THE REQUESTED DRUG THAT DO NOT REQUIRE
2 PRIOR AUTHORIZATION FOR THE SPECIFIC DRUG FOR WHICH THE PRIOR
3 AUTHORIZATION IS BEING REQUESTED.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2018.