

Chapter 464

(House Bill 994)

AN ACT concerning

Maryland Medical Assistance Program – Family Planning Services

FOR the purpose of requiring the Maryland Department of Health to apply to the Centers for Medicare and Medicaid Services for a certain State plan amendment to the Family Planning Program; altering the length of the period for which the Maryland Medical Assistance Program and the Maryland Children’s Health Program is required to provide coverage to enrollees for a single dispensing of a supply of prescription contraceptives; repealing a provision of law providing for an exemption of a certain supply of prescription contraceptives from certain coverage requirements; requiring the Department to establish a certain workgroup; requiring the Department to report to the General Assembly on or before a certain date; requiring, on or before a certain date, the Department, in collaboration with the Maryland Health Benefit Exchange, to establish a presumptive eligibility process and integrate an eligibility and enrollment process for the Family Planning Program into the Maryland Health Connection; and generally relating to the Maryland Medical Assistance Program and family planning.

BY adding to

Article – Health – General
 Section 15–140
 Annotated Code of Maryland
 (2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General
 Section 15–148
 Annotated Code of Maryland
 (2015 Replacement Volume and 2017 Supplement)

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

Article – Health – General**15–140.**

THE DEPARTMENT SHALL APPLY TO THE CENTERS FOR MEDICARE AND MEDICAID SERVICES FOR A STATE PLAN AMENDMENT TO THE FAMILY PLANNING PROGRAM THAT:

(1) PROVIDES, SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET, FAMILY PLANNING SERVICES TO AN INDIVIDUAL WHOSE INDIVIDUAL INCOME IS AT OR BELOW 250% OF THE POVERTY LEVEL, AS ALLOWED BY FEDERAL LAW;

(2) DOES NOT IMPOSE AGE LIMITATIONS ON INDIVIDUALS WHO ARE ABLE TO RECEIVE FAMILY PLANNING SERVICES;

(3) ESTABLISHES A PRESUMPTIVE ELIGIBILITY PROCESS FOR ENROLLMENT IN THE FAMILY PLANNING PROGRAM; AND

(4) EXEMPTS THE FAMILY PLANNING PROGRAM FROM FEDERAL COORDINATION OF BENEFITS REQUIREMENTS IF AUTHORIZED UNDER FEDERAL LAW.

15–148.

(a) Except for a drug or device for which the U.S. Food and Drug Administration has issued a black box warning, the Program and the Maryland Children’s Health Program may not apply a prior authorization requirement for a contraceptive drug or device that is:

- (1) (i) An intrauterine device; or
- (ii) An implantable rod;
- (2) Approved by the U.S. Food and Drug Administration; and
- (3) Obtained under a prescription written by an authorized prescriber.

(b) [(1) Except as provided in paragraph (2) of this subsection, the] **THE** Program and the Maryland Children’s Health Program shall provide coverage for a single dispensing to an enrollee of a supply of prescription contraceptives for a [6–month] **12–MONTH** period.

[(2) Paragraph (1) of this subsection does not apply to the first 2–month supply of prescription contraceptives dispensed to an enrollee under:

- (i) The initial prescription for the contraceptives; or
- (ii) Any subsequent prescription for a contraceptive that is different than the last contraceptive dispensed to the enrollee.]

(c) The Program and the Maryland Children’s Health Program shall provide coverage for services rendered to an enrollee by a licensed pharmacist under § 12–511 of the Health Occupations Article, to the same extent as services rendered by any other

licensed health care practitioner, in screening an enrollee and prescribing contraceptives for the enrollee.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Maryland Department of Health shall establish a workgroup of interested stakeholders to:

(1) advise the Department on the Medicaid Family Planning Program regarding methods for:

(i) streamlining the enrollment process through presumptive eligibility; and

(ii) using the Medicaid Family Planning Program to encourage eligible individuals to enroll for full health insurance coverage through the Maryland Medical Assistance Program or through a Qualified Health Plan; and

(2) make recommendations to ensure that all participants in the Medicaid Family Planning Program have access to the full range of contraceptive options appropriate for the participant.

(b) On or before December 1, 2018, the Department shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the recommendations of the workgroup.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before October 1, 2020, the Maryland Department of Health, in collaboration with the Maryland Health Benefit Exchange, shall:

(1) establish a presumptive eligibility process for the Family Planning Program established under Section 1 of this Act; and

(2) integrate the eligibility and enrollment process for the Family Planning Program into the Maryland Health Connection.

SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, May 8, 2018.