

# HOUSE BILL 973

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CF SB 823

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By: **Delegate Kelly**

Introduced and read first time: February 10, 2022

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Pharmacy Services Administrative Organizations and Pharmacy Benefits**  
3 **Managers – Contracts**

4 FOR the purpose of requiring pharmacy benefits managers or group purchasing  
5 organizations, rather than pharmacy services administrative organizations, to  
6 submit contracts between pharmacy services administrative organizations and  
7 pharmacy benefits managers or group purchasing organizations to the Maryland  
8 Insurance Administration; repealing the prohibition on pharmacy services  
9 administrative organizations entering into agreements or contracts with pharmacy  
10 benefits managers if the organization has not registered with the Maryland  
11 Insurance Commissioner; requiring pharmacy services administrative organizations  
12 to provide access to, rather than copies of, certain documents to independent  
13 pharmacies; and generally relating to pharmacy services administrative  
14 organizations and pharmacy benefits managers.

15 BY repealing and reenacting, with amendments,  
16 Article – Insurance  
17 Section 15–1628, 15–2004, 15–2010, and 15–2011  
18 Annotated Code of Maryland  
19 (2017 Replacement Volume and 2021 Supplement)

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

22 **Article – Insurance**

23 15–1628.

24 (a) (1) At the time of entering into a contract with a pharmacy or a pharmacist,  
25 and at least 30 working days before any contract change, a pharmacy benefits manager

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 shall disclose to the pharmacy or pharmacist:

2 (i) the applicable terms, conditions, and reimbursement rates;

3 (ii) the process and procedures for verifying pharmacy benefits and  
4 beneficiary eligibility;

5 (iii) the dispute resolution and audit appeals process; and

6 (iv) the process and procedures for verifying the prescription drugs  
7 included on the formularies used by the pharmacy benefits manager.

8 (2) (i) This paragraph does not apply to a requirement that a specialty  
9 pharmacy obtain national certification to be considered a specialty pharmacy in a pharmacy  
10 benefits manager's or carrier's network.

11 (ii) For purposes of credentialing a pharmacy or a pharmacist as a  
12 condition for participating in a pharmacy benefits manager's network for a carrier, the  
13 pharmacy benefits manager may not:

14 1. require a pharmacy or pharmacist to renew credentialing  
15 more frequently than once every 3 years; or

16 2. charge a pharmacy or pharmacist a fee for the initial  
17 credentialing or renewing credentialing.

18 (b) (1) Each contract form or an amendment to a contract form between a  
19 pharmacy benefits manager and a pharmacy **OR A PHARMACY SERVICES**  
20 **ADMINISTRATIVE ORGANIZATION, AS DEFINED IN § 15-2001 OF THIS TITLE, ACTING**  
21 **ON BEHALF OF A PHARMACY** may not become effective unless at least 30 days before the  
22 contract form or amendment to the contract form is to become effective, the pharmacy  
23 benefits manager files an informational filing with the Commissioner in the manner  
24 required by the Commissioner that includes a copy of the contract form or amendment to  
25 the contract form.

26 (2) The Commissioner is not required to review the informational filing to  
27 evaluate whether a contract form or amendment to a contract form is in violation of this  
28 subtitle at the time the informational filing is made.

29 (3) The Commissioner may review and disapprove a contract form or  
30 amendment to a contract form at any time after the contract form or amendment to the  
31 contract form has been submitted as part of an informational filing.

32 15-2004.

33 A pharmacy services administrative organization that has not registered with the  
34 Commissioner may not enter into an agreement or a contract with an independent

1 pharmacy [or a pharmacy benefits manager].

2 15–2010.

3 (a) A pharmacy services administrative contract or an amendment to a pharmacy  
4 services administrative contract [or a contract or an amendment to a contract between a  
5 pharmacy services administrative organization, on behalf of an independent pharmacy, and  
6 a pharmacy benefits manager or group purchasing organization] may not become effective  
7 unless:

8 (1) at least 60 days before the contract or amendment is to become effective,  
9 the pharmacy services administrative organization files the contract or, if required,  
10 amendment with the Commissioner in the form required by the Commissioner; and

11 (2) the Commissioner does not disapprove the filing within 60 days after  
12 the contract or amendment is filed.

13 (b) Notice from the Commissioner that a filed contract or amendment to a  
14 contract may be used in the State constitutes a waiver of any unexpired part of the filing  
15 period.

16 (c) The Commissioner shall adopt regulations to:

17 (1) establish the circumstances under which the Commissioner may  
18 disapprove a contract; and

19 (2) specify the types of amendments to a contract required to be filed under  
20 subsection (a) of this section.

21 15–2011.

22 (a) A pharmacy services administrative contract shall include a provision that  
23 requires the pharmacy services administrative organization to provide to the independent  
24 pharmacy [a copy of] **ACCESS TO** any contracts, amendments, payment schedules, or  
25 reimbursement rates within 5 working days after the execution of a contract, or an  
26 amendment to a contract, signed on behalf of the independent pharmacy by the pharmacy  
27 services administrative organization.

28 (b) A pharmacy services administrative contract may prohibit an independent  
29 pharmacy from disclosing the documents provided to the independent pharmacy under  
30 subsection (a) of this section to any competitor of the pharmacy services administrative  
31 organization.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
33 October 1, 2022.