

# SENATE BILL 323

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2lr1863  
CF HB 578

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By: **Senator Augustine**

Introduced and read first time: January 20, 2022

Assigned to: Finance

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 4, 2022

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 ~~Maryland Medical Assistance Program – Prior Authorization for Drug Products~~  
3 Public Health – Medications to Treat an Opioid Use Disorder – ~~Prohibition~~  
4 Preferred and Nonpreferred Medications

5 FOR the purpose of ~~prohibiting the Maryland Medical Assistance Program from applying~~  
6 ~~a prior authorization requirement for certain drug products when used to treat an~~  
7 ~~opioid use disorder; and generally relating to the Maryland Medical Assistance~~  
8 ~~Program and the coverage of drug products~~ requiring the Maryland Department of  
9 Health to adopt a certain reporting system, analyze patterns of prescribing  
10 medications in the State, conduct outreach, and identify certain barriers related to  
11 prescribing medications to treat an opioid use disorder; and generally relating to  
12 medications to treat an opioid use disorder.

13 BY adding to

14 Article – Health – General

15 Section ~~15-150~~ 8-1102 to be under the amended subtitle “Subtitle 11. Opioid  
16 Addiction Treatment Prescribers”

17 Annotated Code of Maryland

18 (2019 Replacement Volume and 2021 Supplement)

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

21 **Article – Health – General**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ~~15-150.~~

2 ~~THE PROGRAM MAY NOT APPLY A PRIOR AUTHORIZATION REQUIREMENT FOR~~  
 3 ~~A PRESCRIPTION DRUG:~~

4 ~~(1) WHEN USED FOR TREATMENT OF AN OPIOID USE DISORDER; AND~~

5 ~~(2) THAT CONTAINS METHADONE, BUPRENORPHINE, OR~~  
 6 ~~NALTREXONE.~~

7 Subtitle 11. [Availability of] Opioid Addiction Treatment Prescribers.

8 8-1102.

9 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
 10 INDICATED.

11 (2) "NONPREFERRED MEDICATION" MEANS A MEDICATION  
 12 PRESCRIBED TO TREAT AN OPIOID USE DISORDER THAT CONTAINS METHADONE,  
 13 BUPRENORPHINE, OR NALTREXONE AND IS NOT ON THE STATE'S PREFERRED DRUG  
 14 LIST.

15 (3) "PREFERRED MEDICATION" MEANS A MEDICATION PRESCRIBED  
 16 TO TREAT AN OPIOID USE DISORDER THAT CONTAINS METHADONE,  
 17 BUPRENORPHINE, OR NALTREXONE AND IS ON THE STATE'S PREFERRED DRUG LIST.

18 (B) THE DEPARTMENT SHALL:

19 (1) ADOPT A REPORTING SYSTEM TO MONITOR THE PRESCRIBING OF  
 20 MEDICATIONS TO TREAT OPIOID USE DISORDERS IN THE STATE, INCLUDING WHICH  
 21 MEDICATIONS ARE BEING PRESCRIBED;

22 (2) ANALYZE PATTERNS OF PRESCRIBING MEDICATIONS IN THE  
 23 STATE TO IDENTIFY PRESCRIBERS WHO REGULARLY PRESCRIBE NONPREFERRED  
 24 MEDICATIONS, INCLUDING A COMPARISON OF THE PATTERNS TO THE FINDINGS OF  
 25 THE REPORT SUBMITTED UNDER SUBSECTION (D) OF THIS SECTION;

26 (3) CONDUCT OUTREACH TO INDIVIDUALS AUTHORIZED TO  
 27 PRESCRIBE DRUGS AND DEVICES IN THE STATE USING EDUCATIONAL MATERIALS  
 28 REGARDING THE BENEFITS OF PRESCRIBING PREFERRED MEDICATIONS; AND

29 (4) IDENTIFY BARRIERS TO INDIVIDUALS WHO NEED MEDICATION TO  
 30 TREAT AN OPIOID USE DISORDER TO OBTAINING THE MEDICATION IN A TIMELY  
 31 MANNER.

1        **(C) ON OR BEFORE OCTOBER 1 EACH YEAR, BEGINNING IN 2023, THE**  
2 **DEPARTMENT SHALL REPORT ON ITS FINDINGS AND ACTIONS TAKEN UNDER**  
3 **SUBSECTION (B) OF THIS SECTION TO THE GOVERNOR AND, IN ACCORDANCE WITH**  
4 **§ 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.**

5        **(D) ON OR BEFORE OCTOBER 1, 2022, THE DEPARTMENT SHALL SUBMIT A**  
6 **REPORT WITH AN INITIAL ANALYSIS OF THE ITEMS LISTED UNDER SUBSECTION (B)**  
7 **OF THIS SECTION, TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE**  
8 **STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.**

9        SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 ~~October~~ July 1, 2022.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.