

Chapter 301

(House Bill 1151)

AN ACT concerning

Health Insurance – Reimbursement for Services Rendered by a Pharmacist

FOR the purpose of requiring the Maryland Medical Assistance Program, the Maryland Children’s Health Program, and certain insurers, nonprofit health service plans, and health maintenance organizations to provide coverage for all services rendered by a licensed pharmacist within the pharmacist’s lawful scope of practice, rather than only certain services, to the same extent as services rendered by any other health care practitioner; and generally relating to reimbursement for health care services provided by a pharmacist.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 15–148

Annotated Code of Maryland

(2019 Replacement Volume and 2022 Supplement)

BY adding to

Article – Health – General

Section 15–151

Annotated Code of Maryland

(2019 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance

Section 15–716

Annotated Code of Maryland

(2017 Replacement Volume and 2022 Supplement)

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

Article – Health – General

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) 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 12-month period.

[(c) The Program and the Maryland Children’s Health Program shall provide coverage for services, to the same extent as services rendered by any other licensed health care practitioner, rendered to an enrollee by a licensed pharmacist under:

(1) § 12–509 of the Health Occupations Article in administering self-administered medications, maintenance injectable medications, or injectable medications for treatment of sexually transmitted infections; or

(2) § 12–511 of the Health Occupations Article in screening an enrollee and prescribing contraceptives for the enrollee.]

15–151.

(A) THE PROGRAM AND THE MARYLAND CHILDREN’S HEALTH PROGRAM SHALL PROVIDE COVERAGE FOR SERVICES RENDERED TO AN ENROLLEE BY A LICENSED PHARMACIST ACTING WITHIN THE PHARMACIST’S LAWFUL SCOPE OF PRACTICE TO THE SAME EXTENT AS SERVICES RENDERED BY ANY OTHER LICENSED HEALTH CARE PROVIDER.

(B) REIMBURSEMENT FOR SERVICES PROVIDED UNDER SUBSECTION (A) OF THIS SECTION MAY NOT BE CONDITIONED ON WHETHER THE LICENSED PHARMACIST IS:

- (1) EMPLOYED BY A PHYSICIAN, PHARMACY, OR FACILITY; OR**
- (2) ACTING UNDER A PHYSICIAN’S ORDERS.**

Article – Insurance

15–716.

(a) This section applies to individual, group, or blanket health insurance policies and contracts delivered or issued for delivery in the State by insurers, nonprofit health service plans, and health maintenance organizations [that provide coverage for patient assessment regarding, and administration of, self-administered medications, maintenance

injectable medications, and injectable medications for treatment of sexually transmitted infections] **THAT PROVIDE COVERAGE FOR SERVICES THAT ARE WITHIN THE LAWFUL SCOPE OF PRACTICE OF A LICENSED PHARMACIST.**

(b) An entity subject to this section shall provide coverage for services rendered by a licensed pharmacist [under § 12–509 of the Health Occupations Article] **ACTING WITHIN THE PHARMACIST’S LAWFUL SCOPE OF PRACTICE** to an individual who is covered under a policy or contract issued or delivered by the entity, to the same extent as services rendered by any other licensed health care practitioner[, for patient assessment regarding and in administering self-administered medications, maintenance injectable medications, or injectable medications for treatment of sexually transmitted infections].

(C) REIMBURSEMENT FOR SERVICES PROVIDED UNDER THIS SECTION MAY NOT BE CONDITIONED ON WHETHER THE LICENSED PHARMACIST IS:

- (1) EMPLOYED BY A PHYSICIAN, PHARMACY, OR FACILITY; OR**
- (2) ACTING UNDER A PHYSICIAN’S ORDERS.**

SECTION 2. AND BE IT FURTHER ENACTED, That, to implement § 15–151 of the Health – General Article, as enacted by Section 1 of this Act, on or before January 1, 2024, the Maryland Department of Health shall apply for and obtain from the U.S. Department of Health and Human Services any necessary amendments to or waivers for the Maryland Medical Assistance Program or the Maryland Children’s Health Program.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or after January 1, 2024.

SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2023.

Approved by the Governor, May 3, 2023.