

HOUSE BILL 1151

J5, J4, J1

3lr1759
CF SB 678

By: **Delegate Bhandari**

Introduced and read first time: February 10, 2023

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Insurance – Reimbursement for Services Rendered by a Pharmacist**

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

10 BY repealing and reenacting, with amendments,
11 Article – Health – General
12 Section 15–148
13 Annotated Code of Maryland
14 (2019 Replacement Volume and 2022 Supplement)

15 BY adding to
16 Article – Health – General
17 Section 15–151
18 Annotated Code of Maryland
19 (2019 Replacement Volume and 2022 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – Insurance
22 Section 15–716
23 Annotated Code of Maryland
24 (2017 Replacement Volume and 2022 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Health – General**

2 15–148.

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

6 (1) (i) An intrauterine device; or

7 (ii) An implantable rod;

8 (2) Approved by the U.S. Food and Drug Administration; and

9 (3) Obtained under a prescription written by an authorized prescriber.

10 (b) The Program and the Maryland Children’s Health Program shall provide
11 coverage for a single dispensing to an enrollee of a supply of prescription contraceptives for
12 a 12–month period.

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

16 (1) § 12–509 of the Health Occupations Article in administering
17 self-administered medications, maintenance injectable medications, or injectable
18 medications for treatment of sexually transmitted infections; or

19 (2) § 12–511 of the Health Occupations Article in screening an enrollee and
20 prescribing contraceptives for the enrollee.]

21 **15–151.**

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

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

30 **(1) EMPLOYED BY A PHYSICIAN, PHARMACY, OR FACILITY; OR**

31 **(2) ACTING UNDER A PHYSICIAN’S ORDERS.**

1 **Article – Insurance**

2 15–716.

3 (a) This section applies to individual, group, or blanket health insurance policies
4 and contracts delivered or issued for delivery in the State by insurers, nonprofit health
5 service plans, and health maintenance organizations [that provide coverage for patient
6 assessment regarding, and administration of, self-administered medications, maintenance
7 injectable medications, and injectable medications for treatment of sexually transmitted
8 infections].

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

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

18 (1) **EMPLOYED BY A PHYSICIAN, PHARMACY, OR FACILITY; OR**

19 (2) **ACTING UNDER A PHYSICIAN’S ORDERS.**

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

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