

SENATE BILL 219

J1

(PRE-FILED)

4r0161
CF 4r0162

By: **Chair, Finance Committee (By Request – Departmental – Health)**

Requested: September 8, 2023

Introduced and read first time: January 10, 2024

Assigned to: Finance

Committee Report: Favorable

Senate action: Adopted

Read second time: February 3, 2024

CHAPTER _____

1 AN ACT concerning

2 **Senior Prescription Drug Assistance Program – Sunset Extension**

3 FOR the purpose of extending the termination date of the Senior Prescription Drug
4 Assistance Program; and generally relating to the Senior Prescription Drug
5 Assistance Program.

6 BY repealing and reenacting, without amendments,
7 Article – Health – General
8 Section 15–1001 through 15–1003
9 Annotated Code of Maryland
10 (2023 Replacement Volume)

11 BY repealing and reenacting, with amendments,
12 Chapter 153 of the Acts of the General Assembly of 2002, as amended by Chapter
13 282 of the Acts of the General Assembly of 2005, Chapter 345 of the Acts of
14 the General Assembly of 2006, Chapter 509 of the Acts of the General
15 Assembly of 2007, Chapter 558 of the Acts of the General Assembly of 2008,
16 Chapter 119 of the Acts of the General Assembly of 2010, Chapter 27 of the
17 Acts of the General Assembly of 2012, Chapter 84 of the Acts of the General
18 Assembly of 2014, Chapter 321 of the Acts of the General Assembly of 2016,
19 and Chapter 462 of the Acts of the General Assembly of 2018
20 Section 13

21 BY repealing and reenacting, with amendments,

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.



Chapter 153 of the Acts of the General Assembly of 2002, as amended by Chapter 282 of the Acts of the General Assembly of 2005, Chapter 345 of the Acts of the General Assembly of 2006, Chapter 509 of the Acts of the General Assembly of 2007, Chapter 558 of the Acts of the General Assembly of 2008, Chapter 119 of the Acts of the General Assembly of 2010, Chapter 27 of the Acts of the General Assembly of 2012, Chapter 84 of the Acts of the General Assembly of 2014, Chapter 321 of the Acts of the General Assembly of 2016, and Chapter 463 of the Acts of the General Assembly of 2018

Section 13

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

Article – Health – General

15–1001.

(a) In this subtitle the following words have the meanings indicated.

(b) “Eligible individual” means an individual who:

(1) Is a resident of Maryland;

(2) Is a Medicare beneficiary enrolled in the Medicare Part D Voluntary Prescription Drug Benefit Program or a Medicare Advantage Plan that provides Part D coverage;

(3) Is not enrolled in a health benefit plan, other than a Medicare Part D prescription drug plan or a Medicare Advantage Plan, that provides prescription drug benefits at the time that the individual applies for enrollment in the Program;

(4) Has an annual household income at or below 300% of the federal poverty guidelines;

(5) Is not eligible for a full federal low-income subsidy under 42 C.F.R. § 423.772; and

(6) Pays the premium, and copayments or coinsurance, for the Program.

(c) “Enrollee” means an individual enrolled in the Program.

(d) “Fund” means the Senior Prescription Drug Assistance Program Fund established under § 15–1004 of this subtitle.

(e) “Program” means the Senior Prescription Drug Assistance Program established under this subtitle.

1 15-1002.

2 (a) There is a Senior Prescription Drug Assistance Program.

3 (b) The purpose of the Program is to provide Medicare Part D beneficiaries, who
4 meet Program eligibility requirements, with a State subsidy.

5 (c) The Department shall administer the Program.

6 15-1003.

7 (a) The Program shall:

8 (1) Provide a prescription drug benefit subsidy, as determined by the
9 Department, that may pay all or some of the deductibles, coinsurance payments, premiums,
10 and copayments under the federal Medicare Part D Pharmaceutical Assistance Program
11 for enrollees of the Program; and

12 (2) Provide the subsidy to the maximum number of individuals eligible for
13 enrollment in the Program, subject to the money available in the Fund.

14 (b) The Program may limit payment of any subsidy by paying the subsidy only on
15 behalf of eligible individuals enrolled in a Medicare Part D Prescription Drug Plan or
16 Medicare Advantage Plan that coordinates with the Program in accordance with federal
17 requirements.

18 (c) The Program may annually provide an additional subsidy, up to the full
19 amount of the Medicare Part D Prescription Drug Plan premium, for individuals who
20 qualify for a partial federal low-income subsidy.

21 (d) The Department shall maintain a waiting list of individuals who meet the
22 eligibility requirements for the Program but who are not served by the Program due to
23 funding limitations.

24 (e) The Department shall determine annually:

25 (1) The number of individuals to be enrolled in the Program;

26 (2) The amount of subsidy to be provided under subsection (a) of this
27 section; and

28 (3) The amount of any additional subsidy provided under subsection (c) of
29 this section.

30 **Chapter 153 of the Acts of 2002, as amended by Chapter 282 of the Acts of 2005,**
31 **Chapter 345 of the Acts of 2006, Chapter 509 of the Acts of 2007, Chapter 558 of**
32 **the Acts of 2008, Chapter 119 of the Acts of 2010, Chapter 27 of the Acts of 2012,**

**Chapter 84 of the Acts of 2014, Chapter 321 of the Acts of 2016, and Chapter 462
of the Acts of 2018**

SECTION 13. AND BE IT FURTHER ENACTED, That:

(1) No later than June 1, 2003, the Secretary of Health [and Mental Hygiene] and the carrier that is required to offer the Short-Term Prescription Drug Subsidy Plan under Title 15, Subtitle 6 of the Health – General Article shall transfer all Plan records, data, and other information necessary to operate and administer the Senior Prescription Drug Program established under this Act to the Board of the Maryland Health Insurance Plan.

(2) Each individual enrolled in the Short-Term Prescription Drug Subsidy Plan, established under Title 15, Subtitle 6 of the Health – General Article, on June 30, 2003 shall, at the option of the enrollee and subject to the payment of all necessary premiums and copayments, be automatically enrolled in the Senior Prescription Drug Program established under this Act.

(3) It is the intent of the General Assembly that the transition of enrollees from the Short-Term Prescription Drug Subsidy Plan to the Senior Prescription Drug Program be accomplished without interruption of benefits for enrollees.

(4) Subsidies shall be offered to enrollees through the Senior Prescription Drug Assistance Program established under Title 15, Subtitle 10 of the Health – General Article. At the end of December 31, [2024] **2030**, the Senior Prescription Drug Assistance Program established under Title 15, Subtitle 10 of the Health – General Article shall be abrogated and of no further force and effect.

**Chapter 153 of the Acts of 2002, as amended by Chapter 282 of the Acts of 2005,
Chapter 345 of the Acts of 2006, Chapter 509 of the Acts of 2007, Chapter 558 of
the Acts of 2008, Chapter 119 of the Acts of 2010, Chapter 27 of the Acts of 2012,
Chapter 84 of the Acts of 2014, Chapter 321 of the Acts of 2016, and Chapter 463
of the Acts of 2018**

SECTION 13. AND BE IT FURTHER ENACTED, That:

(1) No later than June 1, 2003, the Secretary of Health [and Mental Hygiene] and the carrier that is required to offer the Short-Term Prescription Drug Subsidy Plan under Title 15, Subtitle 6 of the Health – General Article shall transfer all Plan records, data, and other information necessary to operate and administer the Senior Prescription Drug Program established under this Act to the Board of the Maryland Health Insurance Plan.

(2) Each individual enrolled in the Short-Term Prescription Drug Subsidy Plan, established under Title 15, Subtitle 6 of the Health – General Article, on June 30, 2003 shall, at the option of the enrollee and subject to the payment of all necessary

1 premiums and copayments, be automatically enrolled in the Senior Prescription Drug
2 Program established under this Act.

3 (3) It is the intent of the General Assembly that the transition of enrollees
4 from the Short-Term Prescription Drug Subsidy Plan to the Senior Prescription Drug
5 Program be accomplished without interruption of benefits for enrollees.

6 (4) Subsidies shall be offered to enrollees through the Senior Prescription
7 Drug Assistance Program established under Title 15, Subtitle 10 of the Health – General
8 Article. At the end of December 31, **[2024] 2030**, the Senior Prescription Drug Assistance
9 Program established under Title 15, Subtitle 10 of the Health – General Article shall be
10 abrogated and of no further force and effect.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2024.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.