

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

SECOND REGULAR SESSION-2004

Legislative Document

No. 1811

H.P. 1333

House of Representatives, December 22, 2003

Resolve, To Ensure Access to Life-sustaining Pharmaceuticals

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 17, 2003. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative DUDLEY of Portland.
Cosponsored by Senator BRENNAN of Cumberland and
Representatives: CRAVEN of Lewiston, EARLE of Damariscotta, PARADIS of Frenchville,
WALCOTT of Lewiston, Senator: HALL of Lincoln.

2 **Emergency preamble. Whereas,** Acts and resolves of the
Legislature do not become effective until 90 days after
adjournment unless enacted as emergencies; and

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6 **Whereas,** persons with acquired immune deficiency syndrome
and persons with severe and persistent mental illness who are
enrolled in the MaineCare program have particular needs for
prescription drugs for their complex medical conditions; and

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10 **Whereas,** exemption from the MaineCare prior authorization
process by July 1, 2004 will best serve the health of those
persons and the State; and

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14 **Whereas,** in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
safety; now, therefore, be it

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20 **Sec. 1. Rulemaking. Resolved:** That the Department of Human
Services shall adopt rules to ensure access to life-sustaining
pharmaceuticals for persons diagnosed with acquired immune
deficiency syndrome or severe and persistent mental illness who
are enrolled in the MaineCare program. Rules adopted pursuant to
this section are routine technical rules as defined in the Maine
Revised Statutes, Title 5, chapter 375, subchapter 2-A. The rules
must provide for access beginning July 1, 2004 to certain drugs
that have been prescribed by a person authorized to prescribe
under the laws of this State, that access to be available without
completion of a prior authorization process, as follows:

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28 1. For persons with acquired immune deficiency syndrome,
the rules must provide access to the prescribed drugs; and

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34 2. For persons with severe and persistent mental illness,
the rules must provide access as follows:

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38 A. For a person who has been stabilized on a prescription
drug or drugs while an inpatient in a hospital, the rules
must provide access to that drug or those drugs when
prescribed after discharge from the hospital;

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42 B. For a person who has a diagnosis of bipolar disorder,
the rules must provide access to the following prescribed
drugs: Lamictal, Gabitril, Neurontin and Topamax;

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46 C. For a person who has a diagnosis of bipolar disorder,
schizophrenia or schizoaffective disorder, the rules must

2 provide access to the following prescribed drugs: Seroquel,
Risperidone, Geodon, Zyprexa and Abilify; and

4 D. For a person whose medical condition is stabilized on
prescribed drugs, the rules must provide access to those
6 drugs.

8 **Emergency clause.** In view of the emergency cited in the
preamble, this resolve takes effect when approved.
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12 **SUMMARY**

14 This resolve directs the Department of Human Services to
adopt rules for the MaineCare program to provide access to
16 certain prescribed drugs, without requiring completion of a prior
authorization process, for persons with acquired immune
18 deficiency syndrome and for persons with certain severe and
persistent mental illnesses.
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