

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1311

H.P. 943

House of Representatives, April 24, 1989

Reference to the Committee on Human Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative HANDY of Lewiston.

Cosponsored by Senator DUTREMBLE of York, Representative JOSEPH of Waterville and Representative RUHLIN of Brewer.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

**An Act to Amend the Third-party Prescription Program Act and
Provide for Responsible Health Care Decisions.**



1 Be it enacted by the People of the State of Maine as follows:

3 Sec. 1. 32 MRSA §13773, as enacted by PL 1987, c. 710, §5, is
5 amended to read:

7 §13773. Notice; registration

9 No 3rd-party prescription program may be instituted in this
11 State until written notice of the provisions of the program has
13 been filed with the Superintendent of Insurance and given to all
15 pharmacies which are located within the counties covered by the
17 program at least 30 days prior to the commencement of the
19 program. In the case of chain or branch pharmacies, the notice
shall be given to the main office or headquarters. These
pharmacies shall have 30 days from the date of notice to enroll
in the program. The Superintendent of Insurance shall approve
only those 3rd-party prescription programs that conform to the
provisions of this Act.

21 Third-party prescription programs shall provide a method of
23 registration by which any pharmacy may register to participate in
the plan. The 3rd-party prescription program may exclude any
pharmacy that has not registered.

25 Sec. 2. 32 MRSA §§13778 and 13779 are enacted to read:

27 §13778. Freedom of choice; nondiscrimination

29 Any person participating in a 3rd-party prescription program
31 shall have the right to select a pharmacy.

33 1. Freedom of choice. All 3rd-party prescription programs
35 in this State that provide coverage for prescription drugs or
37 other pharmaceutical services shall provide each person
39 benefiting from the coverage the freedom to choose a pharmacy.
No 3rd-party prescription program in this State that provides
prescription drugs or other pharmaceutical services may limit
participation in the program to those pharmacies selected by a
3rd party.

41 2. Nondiscrimination. It shall be unlawful for an employer
43 providing a 3rd-party prescription program in this State that
45 offers prescription drugs or other pharmaceutical services to any
employee or beneficiary to:

47 A. Require that the beneficiary obtain drugs from a mail
49 order pharmacy as a condition of obtaining the employer's or
3rd-party prescription program administrator's payment for
prescription drugs; and

51 B. Impose on an employee or beneficiary not utilizing a
mail order pharmacy designated by the employer or 3rd-party

1 prescription program administrator a copayment fee or other
3 condition not imposed on employees or beneficiaries
 utilizing the mail order pharmacy.

5 3. Reimbursement. This section shall not apply to any
7 employer who offers as a part of a 3rd-party prescription program
9 coverage to employees or beneficiaries that provides for
11 reimbursement of an equal portion of the cost to the employee or
 the beneficiary for prescription drugs, regardless of the
 supplier, provided that the 3rd-party prescription program allows
 the employee or beneficiary the freedom to choose where the drugs
 are purchased.

13 §13779. Enforcement

15 The Superintendent of Insurance shall promulgate rules
17 necessary to carry out the purposes of this Act.

19 This Act shall apply to all 3rd-party prescription programs
21 providing prescription drugs or other pharmaceutical services in
 this State.

23

25

STATEMENT OF FACT

27 This bill changes the existing 3rd-party prescription
29 program by prohibiting any 3rd-party prescription program from
 denying a person benefiting from the coverage the freedom to seek
 service from any pharmacy the person chooses.

31

33 As a health professional with a direct link to a patient, a
 pharmacist is in a position to supply an individual with
 important information for making responsible health decisions.

35

37 The 3rd-party prescription program shall provide a method of
 registration by which a pharmacy may register to participate in
 the plan.

39

41 This bill allows any pharmacy to participate in a 3rd-party
 prescription program as long as the pharmacy has registered with
 the Superintendent of Insurance.