

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

2  
4  
6  
8  
10  
12  
14  
16  
18  
20  
22  
24  
26  
28  
30  
32  
34  
36  
38  
40  
42  
44  
46  
48  
50

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
116TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 543, L.D. 739, "Resolve, to Provide Savings in the Elderly Low-cost Drug Program"

Amend the resolve by striking out the title and substituting the following:

**'An Act to Improve Access to Pharmaceuticals'**

Further amend the resolve by striking out everything after the title and before the statement of fact and inserting in its place the following:

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

**Sec. 1. 22 MRSA §254, sub-§4,** as amended by PL 1991, c. 645, is further amended to read:

**4. Method of prescribing or ordering drugs.** The method of prescribing or ordering these drugs, which may include, but is not be limited to, the use of standard or larger prescription refill sizes so as to minimize operational costs and to maximize economy. Unless the prescribing physician indicates otherwise, the use of generic or chemically equivalent drugs is required, provided that these drugs are of the same quality and have the same mode of delivery as is provided to the general public, consistent with good pharmaceutical practice. Each prescription filled must be for a supply of 90 days unless the prescribing physician or the recipient requests otherwise;

**Sec. 2. 22 MRSA §254, sub-§4-A,** as amended by PL 1993, c. 6, Pt. C, §3, is further amended to read:

**4-A. Payment for drugs provided.** The commissioner may establish the amount of payment to be made by recipients toward the cost of prescription or nonprescription drugs, medication and medical supplies furnished under this program provided that the total cost for any covered purchase of a prescription or nonprescription drug or medication does not exceed \$6-~~for~~-generic

2 ~~drugs or \$10 for brand name drugs~~ 20% of the price allowed for  
that prescription under program rules. ~~For the purposes of this~~  
4 ~~section, a brand name drug is defined as a single source drug, a~~  
~~cross-licensed drug or an innovator drug for which a lower cost~~  
6 ~~generic equivalent is available.~~ If a recipient is prescribed a  
drug in a quantity specifically intended by the provider or  
8 pharmacist, for the recipient's health and welfare, to last less  
than one month, only one payment for that drug for that month is  
required;

10  
12 **Sec. 3. New cards.** When new cards are issued to recipients of  
the low-cost drugs for the elderly program, the following message  
14 must be printed on the cards: "If you require mail service for  
your prescriptions, please discuss this option with your  
16 pharmacist. Your pharmacist may arrange for mail service or  
other types of delivery to your home."

18 **Sec. 4. Best price study.** The Department of Human Services  
shall examine the feasibility of requiring pharmaceutical  
20 manufacturers to provide to state programs pharmaceuticals at the  
manufacturers' best price. State programs include, but are not  
22 limited to, Medicaid, low-cost drugs for the elderly,  
institutions operated by the Department of Mental Health and  
24 Mental Retardation and state correctional facilities. By  
February 1, 1994 the Department of Human Services shall submit  
26 its findings, along with any necessary legislation, to the Joint  
Standing Committee on Human Resources.

28 **Sec. 5. Appropriation.** The following funds are appropriated  
30 from the General Fund to carry out the purposes of this Act.

	1993-94	1994-95
<b>34 HUMAN SERVICES, DEPARTMENT OF</b>		
<b>36 Low-cost Drugs for Maine's Elderly</b>		
38 All Other	(\$720,554)	(\$776,766)
40 Provides for the		
42 deappropriation of funds due		
44 to savings generated by		
46 establishing a 20% copayment		
and requiring a 90-day supply		
in certain circumstances.		
<b>48 DEPARTMENT OF HUMAN SERVICES</b>		
<b>TOTAL</b>	<u>(\$720,554)</u>	<u>(\$776,766)</u>

FISCAL NOTE

1993-94

1994-95

2

4

APPROPRIATIONS/ALLOCATIONS

6

General Fund

(\$720,554)

(\$776,766)

8

The Department of Human Services will experience General Fund savings of \$720,554 in fiscal year 1993-94 and \$776,766 in fiscal year 1994-95 as a result of the changes in the amount of copayment and the required supply size. This estimate is based on the current services budget that assumed copayments of \$3 for generic drugs and \$5 for brand drugs.

14

The Department of Human Services will incur some minor additional costs to prepare and report on the best price study and to revise the Low-cost Drugs for Maine's Elderly cards. These costs can be absorbed within the department's existing budgeted resources.

20

The Governor's proposed current services budget includes changes that may affect this bill's impact on the Low-cost Drugs for Maine's Elderly program. This estimate of the fiscal impact may need to be adjusted based on final legislative actions on the current services budget.'

26

28

STATEMENT OF FACT

30

This amendment replaces the original bill. It changes the copayment in the low-cost drugs for the elderly program from the current \$6 and \$10 per prescription to a uniform 20% per prescription. It also requires that, unless the physician or recipient requests otherwise, prescriptions be dispensed in 90-day supplies.

36

The amendment also requires that, when new cards are issued in the low-cost drugs to the elderly program, those cards include a message encouraging recipients to discuss mail delivery and other forms of home service with their pharmacists.

40

The amendment also requires the Department of Human Services to study the feasibility of requiring pharmaceutical manufacturers to provide drugs to state programs at their best prices and to report back to the Legislature by February 1, 1994.

46

The amendment also adds a fiscal note to the bill.

Reported by the Committee on Human Resources  
Reproduced and distributed under the direction of the Clerk of the House  
6/2/93

(Filing No. H-573)

**COMMITTEE AMENDMENT**