

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

SECOND REGULAR SESSION-2000

Legislative Document

No. 2379

S.P. 929

In Senate, January 12, 2000

**An Act to Eliminate the Discriminatory Tax on the Electronic Filing of
Prescription Drug Reimbursement.**

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

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator AMERO of Cumberland.
Cosponsored by Senators: BENNETT of Oxford, DAGGETT of Kennebec, MITCHELL of Penobscot, PENDLETON of Cumberland, Representatives: BROOKS of Winterport, DUGAY of Cherryfield, MURPHY of Kennebunk, SAXL of Portland.

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

4 Sec. 1. 22 MRSA §3174-X is enacted to read:

6 **§3174-X. Pharmacy services; fees; rates of reimbursement**

8 **1. Fees charged to pharmacies on filing for reimbursement**
10 **for prescription services. The department may not impose any**
12 **processing fee or restructure its reimbursement rate for**
14 **electronically submitted claims for pharmacy services.**

16 **2. Survey or audit required prior to any change in**
18 **dispensing fees. The department must perform an in-depth**
20 **pharmacy service study prior to any change in the dispensing fee**
22 **for pharmacy service claims. This study must determine the full**
24 **cost of filling a prescription and providing pharmacy services,**
26 **including reasonable profits derived, in the Maine Medicaid**
28 **Program, the Cub Care program and the elderly low-cost drug**
30 **program. The department must consider the results of this study**
32 **when determining pharmacy reimbursements.**

34 **SUMMARY**

36 In 1995, as part of the Productivity Realization Task Force
recommendations, a 25¢ processing fee was imposed on all Medicaid
pharmacy claims that were filed electronically. The federal
Health Care Financing Administration subsequently ruled that
processing fees were not allowed and the enabling statute in
Maine was repealed as a result. The Department of Human Services,
however, imposed the fee by changing the dispensing fee for
Medicaid reimbursement. This bill prohibits the imposition of a
processing fee or the restructuring of the reimbursement rate for
electronically submitted claims. The bill also establishes a
requirement that the Department of Human Services conduct a
current cost-of-dispensing survey prior to any subsequent
revisions to the dispensing fee.