MAINE STATE LEGISLATURE

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_	L.D. 1324
2	DATE: 5/31/5 (Filing No. H-571)
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6	HEALTH AND HUMAN SERVICES
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10	Reproduced and distributed under the direction of the Clerk of the House.
12	STATE OF MAINE
14	HOUSE OF REPRESENTATIVES 122ND LEGISLATURE
16	FIRST SPECIAL SESSION
18	COMMITTEE AMENDMENT "A" to H.P. 923, L.D. 1324, Bill, "Ar
20	Act To Improve Access to Affordable Prescription Drugs"
22	Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the
24	following:
26	'Sec. 1. 5 MRSA §2031, sub-§§1 and 4, as enacted by PL 2005, c. 12, Pt. PP, §1, are amended to read:
28	1. Council established. The Pharmaceutical Cost Management
30	Council, referred to in this chapter as "the council," is established and consists of nemerethan 15 voting members
32	appointed by the Governor as follows:
34	A. The Commissioner of Administrative and Financial Services or the commissioner's designee;
36	·
38	B. The Commissioner of Health and Human Services or the commissioner's designee;
40	C. The Executive Director of the Workers' Compensation Board or the executive director's designee;
42	D. One representative of private payors who join the

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council;





2	E. One er-more-members member from each of the following publicly funded groups:
4	
6	(1) The Maine state employees health insurance program, one member representing labor and one member representing management;
8	(2) The University of Maine System; and
10	<u> </u>
12	- · · · · ·
14	F. The director of the Governor's Office of Health Policy and Finance or the director's designee or the director of a successor agency;
16	successor agency,
18	G. Other <u>Two</u> public purchasers not listed abover Representativesefmunicipalercountygovernmentsthe
20	MaineEducationAssociation'sbenefitstrusttheMaine School-Management-Association'sbenefitstrustandprivate
	purchasers-may-be-allowed-to-join-the-council-to-participate
22	in-savings-opportunities;
24	H. A health care provider; and
26	I. A clinical pharmacist; and
28	J. Three consumers of health care services, one of whom represents a statewide organization that advocates for
30	enrollees in a publicly funded health program that includes
32	comprehensive prescription drug benefits.
34	Public Representatives of municipal or county governments, the Maine Education Association's benefits trust, the Maine School
	Management Association's benefits trust and other public
36	purchasers not etherwise listed in this subsection and private
38	purchasers may be allowed to join the council <u>as nonvoting</u> <u>members and</u> to participate in savings opportunities.
40	4. Duties of council. The council shall make
42	recommendations to public purchasers regarding the joint purchasing of pharmaceuticals with the State in order to reduce
0.0	costs for all participating parties and maximize savings by
44	pooling purchasing power, but not to fundamentally alter the independent nature of any of the health plans involved in the
46	council. The council shall coordinate and exchange information
48	among state agencies, stakeholder groups, advisory committees, organizations and task forces looking into options for reducing the cost of prescription drug benefits. Any joint purchasing

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50 effort must ensure that:

COMMITTEE AMENDMENT "A" to H.P. 923, L.D. 1324

Eq.	COMMITTEE AMENDMENT 'A" to H.P. 923, L.D. 1324
2	A. Each of the participating plans retains its distinct nature, with members of each plan maintaining their current
4	medical coverage and participating organizations retaining current contracts, except for amendments required to
6	implement the joint pharmaceutical purchasing effort;
8	B. The members of participating plans have open access to all prescription drugs, as medically needed. The council
10	shall design and implement a 3-tiered pharmaceutical benefit;
12	C. Full coverage of certain drugs is contingent upon satisfaction of clinical criteria;
14	
16	D. A preferred drug list identifies clinically efficacious high-quality prescription drugs that are also cost-effective; these drugs may not require prior approval.
18	The preferred drug list must to the extent possible be based on MaineCare's preferred drug list and must be advised by
20	MaineCare's clinical drug utilization committee;
22	E. Administrative efficiencies are realized by pooled purchasing; clinically efficacious, cost-effective drugs are
24	<pre>preferred; and rebates are negotiated on behalf of the entire group;</pre>
26	F. Reimbursement for prescription generic drugs are <u>is</u>
28	<pre>capped at maximum allowable costs or the MaineCare bid price, whichever is lower;</pre>
30	G. Incentives may be implemented to reward the use of mail
32	order, and community pharmacies willbe are given the opportunity to provide medications under the same terms as
34	mail-order pharmacies; and
36	H. All participating plans share in the savings realized through the pooled purchasing effort.
38	Sec. 2. Report. By February 1, 2006, the Pharmaceutical Cost
40	Management Council established in the Maine Revised Statutes, Title 5, section 2031 shall report to the joint standing
42	committee of the Legislature having jurisdiction over health and human services matters regarding its work and findings with
44	regard to cost containment tools, including, but not limited to, academic detailing and evidence-based prescribing.'
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SUMMARY

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This amendment replaces the bill. It amends the

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COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to H.P. 923, L.D. 1324

Pharmaceutical Cost Management Council to add 3 consumer members, changes the parameters of the council to duties and adds to those duties coordinating and exchanging information and examining cost containment tools and reporting to the joint standing committee of the Legislature having jurisdiction over health and human services matters by February 1, 2006.

FISCAL NOTE REQUIRED (See attached)

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122nd MAINE LEGISLATURE

LD 1324

LR 1608(02)

An Act To Improve Access to Affordable Prescription Drugs

Fiscal Note for Bill as Amended by Committee Amendment "A"
Committee: Health and Human Services
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional costs to the Department of Health and Human Services can be absorbed by the department utilizing existing resources.