

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 191

H.P. 156

House of Representatives, January 21, 2009

An Act Regarding Insurance Copayments for Short-term Prescriptions

Reference to the Committee on Insurance and Financial Services suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative PERRY of Calais.
Cosponsored by Senator BRANNIGAN of Cumberland and
Representatives: JONES of Mount Vernon, TREAT of Hallowell, WEBSTER of Freeport.

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

2 **Sec. 1. 24-A MRSA §2765** is enacted to read:

3 **§2765. Copayments for short-term prescriptions**

4 An insurer that issues individual health insurance policies and contracts that provide
5 coverage for prescription drugs shall adjust the copayment of an insured person to
6 accommodate a short-term prescription for 14 days or less when short-term prescribing
7 for that person is determined to be appropriate by the licensed health care professional
8 who writes the prescription. The copayment must be proportional to the copayment for a
9 longer time period. The requirements of this section apply to the insurer and to a 3rd-
10 party administrator or pharmaceutical benefits manager under contract with the insurer.
11 The superintendent shall adopt rules to implement this section. The rules must include a
12 penalty provision applicable to an insurer that fails to provide coverage as required by
13 this section and the rules adopted pursuant to this section. The penalty provision must
14 require an insurer that does not comply with the requirements of this section and the rules
15 adopted pursuant to this section to pay a contribution to the Unused Pharmaceutical
16 Disposal Program Fund established under Title 22, section 2700, subsection 5. Rules
17 adopted under this section are routine technical rules as defined by Title 5, chapter 375,
18 subchapter 2-A. As part of the rule-making process, notice must be given to the joint
19 standing committee of the Legislature having jurisdiction over insurance and financial
20 services matters and the joint standing committee of the Legislature having jurisdiction
21 over health and human services matters.

22 **Sec. 2. 24-A MRSA §2847-Q** is enacted to read:

23 **§2847-Q. Copayments for short-term prescriptions**

24 An insurer that issues group health insurance policies and contracts that provide
25 coverage for prescription drugs shall adjust the copayment of an insured person to
26 accommodate a short-term prescription for 14 days or less when short-term prescribing
27 for that person is determined to be appropriate by the licensed health care professional
28 who writes the prescription. The copayment must be proportional to the copayment for a
29 longer time period. The requirements of this section apply to the insurer and to a 3rd-
30 party administrator or pharmaceutical benefits manager under contract with the insurer.
31 The superintendent shall adopt rules to implement this section. The rules must include a
32 penalty provision applicable to an insurer that fails to provide coverage as required by
33 this section and the rules adopted pursuant to this section. The penalty provision must
34 require an insurer that does not comply with the requirements of this section and the rules
35 adopted pursuant to this section to pay a contribution to the Unused Pharmaceutical
36 Disposal Program Fund established under Title 22, section 2700, subsection 5. Rules
37 adopted under this section are routine technical rules as defined by Title 5, chapter 375,
38 subchapter 2-A. As part of the rule-making process, notice must be given to the joint
39 standing committee of the Legislature having jurisdiction over insurance and financial
40 services matters and the joint standing committee of the Legislature having jurisdiction
41 over health and human services matters.

