

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 346

H.P. 272

House of Representatives, February 8, 2011

**An Act To Reimburse Pharmacies under the MaineCare Program
Based on Wholesale Acquisition Costs**

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative STRANG BURGESS of Cumberland.
Cosponsored by Senator DIAMOND of Cumberland and
Representatives: CURTIS of Madison, EVES of North Berwick, Speaker NUTTING of
Oakland, Senators: COURTNEY of York, HOBBS of York, LANGLEY of Hancock,
McCORMICK of Kennebec, President RAYE of Washington.

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

2 **Sec. 1. 22 MRSA §3174-QQ** is enacted to read:

3 **§3174-QQ. MaineCare pharmacy reimbursement**

4 **1. Definition.** For the purposes of this section, unless the context otherwise
5 indicates, "wholesale acquisition cost" means the cost of a covered brand name or generic
6 prescription drug based on the size of the package from which the drug is dispensed as
7 reported by the prescription drug pricing service used by the department.

8 **2. Reimbursement rate.** The department shall reimburse pharmacies for dispensing
9 brand name and generic prescription drugs covered by the MaineCare program based on a
10 formula that uses the wholesale acquisition cost and that includes a dispensing fee. The
11 formula and pharmacy reimbursement must be calculated using the wholesale acquisition
12 cost plus 6.7% and a dispensing fee of \$3.35 per prescription.

13 **3. Application.** The formula and pharmacy reimbursement required under
14 subsection 2 applies to reimbursements to pharmacies to cover brand name and generic
15 prescription drugs dispensed under the MaineCare program beginning September 26,
16 2011.

17 **4. Rulemaking.** The department shall adopt rules to implement this section no later
18 than October 1, 2011. Rules adopted pursuant to this subsection are routine technical
19 rules as defined in Title 5, chapter 375, subchapter 2-A.

20 **SUMMARY**

21 This bill requires the Department of Health and Human Services to reimburse
22 pharmacies for dispensing covered brand name and generic drugs under the MaineCare
23 program based on a formula that includes calculated wholesale acquisition cost plus 6.7%
24 and a dispensing fee of \$3.35 per prescription and allows the department to adopt routine
25 technical rules. The formula applies to drugs dispensed under the MaineCare program on
26 or after September 26, 2011.