

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 1485

H.P. 1092

House of Representatives, April 14, 2011

### **An Act To Promote Transparency in the Medicaid Reimbursement Process**

(AFTER DEADLINE)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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 FOSSEL of Alna.

Cosponsored by Representatives: Speaker NUTTING of Oakland, STRANG BURGESS of Cumberland, Senator: McCORMICK of Kennebec.

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

2 **Sec. 1. 22 MRSA c. 603, sub-c. 1-B** is enacted to read:

3 **SUBCHAPTER 1-B**

4 **MAXIMUM ALLOWABLE COST LIST**

5 **§2687. Maximum allowable cost list**

6 **1. Comment period.** The Department of Health and Human Services, office of  
7 MaineCare services shall establish a 60-day written comment period on any proposed  
8 change to the state maximum allowable cost list if the change results in a reduction in  
9 payment to pharmacies. The comment period may not occur more than quarterly. The  
10 written comment period must be held in compliance with the Maine Administrative  
11 Procedure Act. A change in the maximum allowable cost list that will result in a  
12 reduction in payment to pharmacies may not take effect until 90 days after the office of  
13 MaineCare services has completed its response to any written comments. For the  
14 purposes of this section, "maximum allowable cost list" means a list of prescription drugs  
15 that bases reimbursement on the cost of the generic product.

16 **2. Report.** The Department of Health and Human Services, office of MaineCare  
17 services shall prepare an annual report that summarizes the number of drugs affected by  
18 changes made to the maximum allowable cost list under subsection 1 and the percentage  
19 change in payment for those drugs that resulted from changes to the list during the  
20 calendar year. The office of MaineCare services shall file the report annually by  
21 December 31st with the joint standing committee of the Legislature having jurisdiction  
22 over health and human services matters.

23 **3. Rulemaking.** The Department of Health and Human Services, office of  
24 MaineCare services shall amend its rules to implement the provisions of this subchapter.  
25 Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,  
26 chapter 375, subchapter 2-A.

27 **SUMMARY**

28 This bill requires the Department of Health and Human Services, office of MaineCare  
29 services to establish a 60-day written comment period on any proposed change to the  
30 state maximum allowable cost list if the change results in a reduction in payment to  
31 pharmacies. The office of MaineCare services is required to prepare an annual report that  
32 summarizes the number of drugs affected by such changes and the percentage change in  
33 payment for those drugs that resulted from changes to the list during the calendar year  
34 and submit that report annually by December 31st to the joint standing committee of the  
35 Legislature having jurisdiction over health and human services matters. The Department  
36 of Health and Human Services, office of MaineCare services is required to amend its  
37 rules to implement the provisions of this bill.