

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 716

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H.P. 488

House of Representatives, February 26, 2013

**An Act Regarding Prescription Medications for Children under the  
MaineCare Program**

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative MALABY of Hancock.  
Cosponsored by Representatives: MAKER of Calais, TURNER of Burlington, Senator:  
BURNS of Washington.

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

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

3 **§3174-WW. Program regarding prescription medications for children**

4 The department shall adopt a program regarding prescription medications for children  
5 that consists of a prescription medication protocol, prescription medication monitoring  
6 and prior authorization for reimbursement under the MaineCare program. The program  
7 must ensure that children have access to medically needed prescription medications in  
8 compliance with the requirements of this section and the United States Department of  
9 Health and Human Services, Centers for Medicare and Medicaid Services.

10 **1. Stimulant drugs.** The program must include coverage for medications classified  
11 as stimulants in accordance with the prescribing guidelines for various age ranges  
12 established by the American Academy of Pediatrics and must include, but not be limited  
13 to, training for caregivers in behavioral therapy in order to increase the effectiveness of  
14 treatment. The program must include monitoring to ensure that children who are  
15 prescribed stimulants have been properly diagnosed and are monitored on an ongoing  
16 basis for effectiveness and side effects and to determine whether adjustments are required  
17 to maintain the balance between the benefits and side effects of the stimulants.

18 **2. Stimulant drugs and benzodiazepine drugs.** The program must include a  
19 protocol to ensure that children who are prescribed a stimulant drug and a benzodiazepine  
20 drug concurrently are reviewed and monitored on an ongoing basis for appropriateness  
21 and effectiveness of the combined drugs. The protocol must include the provision of  
22 educational materials to parents and caregivers that cover appropriateness of use,  
23 potential side effects, ongoing monitoring to determine effectiveness, necessity of  
24 managing behavior and the effectiveness of combining behavioral therapy with  
25 medication. The protocol must include a prior authorization process for continued  
26 concurrent use beyond 3 months. Prior authorization must be based on clinically valid  
27 studies justifying the concurrent use of the drugs for the diagnosis of the child and the  
28 applicable time period.

29 **SUMMARY**

30 This bill directs the Department of Health and Human Services to adopt a program  
31 regarding prescription medications for children that consists of a prescription medication  
32 protocol, monitoring and prior authorization for reimbursement under the MaineCare  
33 program. The program must ensure that children have access to medically needed  
34 prescription medications in compliance with the requirements of this bill and the United  
35 States Department of Health and Human Services, Centers for Medicare and Medicaid  
36 Services.