

MAINE STATE LEGISLATURE

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EMC
R OPS

L.D. 1150

Date: 5/21/15

Majority

(Filing No. H-183)

INSURANCE AND FINANCIAL SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 788, L.D. 1150, Bill, "An Act Regarding Maximum Allowable Cost Pricing Lists Used by Pharmacy Benefit Managers"

Amend the bill in section 1 in subsection 12 in paragraph B in the 3rd line (page 1, line 20 in L.D.) by striking out the following: "3" and inserting the following: '2'

Amend the bill in section 1 in subsection 12 by striking out all of paragraph H (page 2, lines 30 to 32 in L.D.) and inserting the following:

H. A pharmacy may request mediation by a private mediator, agreed upon by the pharmacy and the pharmacy benefits manager, to resolve any disagreements related to maximum allowable costs for a prescription drug. A request for mediation does not waive any existing rights of appeal available to a pharmacy under this subsection.

I. The requirements of this subsection apply to contracts between a pharmacy and a pharmacy benefits manager executed or renewed on or after January 1, 2016.'

SUMMARY

This amendment is the majority report of the committee. The amendment provides that a pharmacy benefits manager may set a maximum allowable cost for a prescription drug only if that drug is nationally available and has 2 or more nationally available therapeutically equivalent drug substitutes with a significant cost difference rather than 3 or more as provided in the bill. The amendment also replaces the provision in the bill authorizing the Superintendent of Insurance to enforce violations with a provision granting a pharmacy the right to request mediation by a private mediator to resolve disagreements related to maximum allowable cost pricing.

The amendment specifies that the provisions apply to contracts between a pharmacy and a pharmacy benefits manager executed or renewed on or after January 1, 2016.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



127th MAINE LEGISLATURE

LD 1150

LR 476(02)

An Act Regarding Maximum Allowable Cost Pricing Lists Used by Pharmacy Benefit Managers

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-183)
Committee: Insurance and Financial Services

Fiscal Note Required: Yes

Fiscal Note

No impact on State Employee Health Plan

Fiscal Detail and Notes

The Employee Retirement Income Security Act (ERISA) makes clear that self-funded plans are not required to meet the requirements of general insurance carriers, other than specifically mandated requirements. This bill is not an insurance mandate and, therefore, the State Employee Health Plan, which is a self-funded plan, is not required to implement the provisions of this bill.