

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 2010 to June 29, 2011

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 28, 2011

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2011

2. Rulemaking. The department shall adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,
DEPARTMENT OF (FORMERLY DHS)**

Medical Care - Payments to Providers 0147

Initiative: Appropriates and allocates funds for the costs of MaineCare reimbursement for 6 specific procedures provided by dental hygienists practicing independently effective October 1, 2012.

GENERAL FUND	2011-12	2012-13
All Other	\$0	\$54,320
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$0	\$54,320
FEDERAL EXPENDITURES FUND	2011-12	2012-13
All Other	\$0	\$93,570
	<hr/>	<hr/>
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$93,570

See title page for effective date.

CHAPTER 458

H.P. 272 - L.D. 346

**An Act Regarding Pharmacy
Reimbursement in MaineCare**

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

Sec. 1. 22 MRSA §3173-C, sub-§2, as amended by PL 2007, c. 240, Pt. GGG, §1, is further amended to read:

2. Prescription drug services. Except as provided in this subsection and subsections 3 and 4, a payment of pharmacy shall charge a MaineCare member \$3.00 for each drug is to be collected from the MaineCare member for each drug prescription that is an approved MaineCare service. The department shall adopt and follow procedures to ensure compliance with the requirements of 42 United States Code, Section 1396o-1. A pharmacy that has followed the procedures adopted by the department to ensure compliance with the requirements of 42 United States Code, Section 1396o-1 may refuse to dispense the drug if the

copayment is not paid. Copayments must be capped at \$30 per month per member. If a member is prescribed a drug in a quantity specifically intended by the provider or pharmacist, for the recipient's health and welfare, to last less than one month, only one payment for that drug for that month is required.

Sec. 2. 22 MRSA §3173-C, sub-§8 is enacted to read:

8. Notification. The department shall notify each MaineCare member who is subject to the copayment requirement in subsection 2 of the copayment requirements, any exemptions and limitations prior to coding the member's information for required copayments and shall notify the member again during annual recertification of eligibility.

Sec. 3. Review of cost of dispensing a prescription drug; report. The Department of Health and Human Services shall review the cost of dispensing a prescription drug under the MaineCare program. By January 15, 2012, the department shall provide a report with recommendations to the Joint Standing Committee on Health and Human Services. In performing the review the department shall:

1. Provide opportunity for input to pharmacists and pharmacies licensed in the State and their representatives;
2. Consider changing copayments and dispensing fees under the MaineCare program;
3. Consider all recent federal studies of formulae for pharmacy reimbursement and information available from the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services; and
4. Review current and pending pharmacy reimbursement formulae under federal Medicaid law.

Sec. 4. Effective date. Those sections of this Act that amend the Maine Revised Statutes, Title 22, section 3173-C, subsection 2 and enact Title 22, section 3173-C, subsection 8 take effect upon amendment and federal approval of the Medicaid state plan but no earlier than October 1, 2011.

See title page for effective date, unless otherwise indicated.

CHAPTER 459

S.P. 176 - L.D. 584

**An Act To Appropriate Funds
for the Maine Downtown
Center**

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