

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
130<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



Disposition of bills and summaries of all laws enacted or finally passed

**JOINT STANDING COMMITTEE ON HEALTH COVERAGE,  
INSURANCE AND FINANCIAL SERVICES**

July 2022

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**JOINT STANDING COMMITTEE ON HEALTH COVERAGE,  
INSURANCE AND FINANCIAL SERVICES**

**LD 1776 An Act To Allow Pharmacists to Dispense an Emergency Supply of Chronic Maintenance Drugs**

**ENACTED LAW SUMMARY**

Public Law 2021, chapter 566 allows a pharmacist to dispense an emergency supply of a chronic maintenance drug to a patient without a prescription if the pharmacist is unable to obtain authorization to refill the prescription from a health care provider and the pharmacist has a record of the prescription in the name of the patient, including the amount of the drug dispensed in the most recent prescription or the standard unit of dispensing the drug, and that record does not indicate that no emergency supply is permitted. A pharmacist may dispense an emergency supply of a chronic maintenance drug to a patient as long as the following conditions are met:

1. The drug dispensed may not be a controlled substance included in Schedules I and II under the federal Controlled Substances Act;
2. The amount dispensed may not exceed a 30-day supply or, if the standard unit of dispensing exceeds a 30-day supply, may not exceed the smallest standard unit of dispensing, except that, if the drug is included on Schedule III or IV of the federal Controlled Substances Act, the amount dispensed may not exceed a seven-day supply;
3. The pharmacist may not dispense the chronic maintenance drug in an emergency supply to the same patient more than twice in a 12-month period; and
4. The pharmacist must determine, in the pharmacist's professional judgment, that the prescription is essential to sustain the life of the patient or to continue therapy for a chronic condition of the patient and that failure to dispense the drug could reasonably produce undesirable health consequences or cause physical or mental discomfort.

The law requires that the pharmacist notify the practitioner who issued the prescription or another practitioner responsible for the patient's care no later than 72 hours after the emergency supply is dispensed.

Public Law 2021, chapter 566 also requires health insurance carriers to make available coverage in all health plans for an emergency supply of a chronic maintenance drug dispensed in this manner. Any cost-sharing requirement applicable to that chronic maintenance drug may be imposed by a health insurer on an emergency supply.

**LD 1778 An Act To Improve Health Care Affordability and Increase Options for Comprehensive Coverage for Individuals and Small Businesses in Maine**

**ENACTED LAW SUMMARY**

Public Law 2021, chapter 518 requires that the Office of Affordable Health Care, beginning in 2023, expand the scope of its annual public hearing on cost trends to include barriers to health care

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affordability. The law specifies that the hearing must include an opportunity for public comment on these barriers.

The law also requires the office to study the effects of policies aimed at improving health care affordability and coverage, including effects on the affordability of premiums and cost-sharing in the individual and small group health insurance markets, and the effects of the policies on enrollment in comprehensive health coverage. It directs the office to provide a report of its findings to the joint standing committee of the Legislature having jurisdiction over health coverage and insurance matters no later than January 1, 2024.

**LD 1783 An Act To Require Health Insurance Carriers and Pharmacy Benefits Managers To Appropriately Account for Cost-sharing Amounts Paid on Behalf of Insureds**

**ENACTED LAW SUMMARY**

Public Law 2021, chapter 744 requires health insurance carriers and their pharmacy benefits managers to include cost-sharing amounts paid on behalf of an insured when calculating the insured's contribution to any out-of-pocket maximum, deductible or copayment when a drug does not have a generic equivalent or was obtained through prior authorization, a step therapy override exception or an exception or appeal process.

The law requires that a person who pays any amount on behalf of a covered person for a covered prescription drug must notify the covered person prior to or within seven days of the acceptance of the financial assistance of the total amount of assistance available and the duration for which it is available and prohibits the conditioning of the assistance on enrollment in a specific health plan or type of health plan. The requirements do not apply when their application to a person who has a health savings account would result in a covered person's ineligibility for that health savings account under federal law, except for items or services that are determined to be preventive care.

The requirements apply to prescription drug benefits provided pursuant to a contract or policy of insurance by a carrier or a pharmacy benefits manager on behalf of a carrier on or after January 1, 2023.

**LD 1798 An Act To Ensure Health Insurance Coverage for Certain Adults with Disabilities**

**ENACTED LAW SUMMARY**

Public Law 2021, chapter 520 requires health insurance policies that offer coverage for a dependent child to offer coverage for adults with disabilities who are unable to sustain themselves through employment in the same manner as for a dependent child on a parent's policy. The law clarifies that a health insurance carrier is required to offer coverage for a dependent child with a disability, at the option of the policyholder, regardless of age. The law also makes clear that the definition of "disability" includes a mental disability.