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An Act To Maintain Prescription Drug Benefits for Senior Citizens and People with Disabilities

Emergency preamble. Whereas, acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, implementation of the Medicare Part D prescription drug benefit program on January 1, 2006 is causing confusion and burdening senior citizens and persons with disabilities with the challenge of evaluating plans and enrolling in the best plan for them, while posing the risk of losing coverage under certain plans and circumstances; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. Maintenance of benefit level and copayment requirements and structure. The Department of Health and Human Services shall maintain the level of benefits and copayment requirements and structure in effect on December 30, 2005 for persons eligible for drug coverage under the MaineCare program under the Maine Revised Statutes, Title 22, section 3174-G and waiver programs operated by the department under MaineCare, including, but not limited to, the elderly low-cost drug program under Title 22, section 254-D and the AIDS Drug Assistance Program.

Sec. 2. Retroactivity. This Act applies retroactively to January 1, 2006.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

SUMMARY

This bill requires the Department of Health and Human Services to maintain the level of benefits and copayment requirements and structure in effect on December 30, 2005 for enrollees in the MaineCare and the elderly low-cost drug programs who were enrolled during 2005 and who are eligible for benefits under MediCare Part D. This bill applies retroactively to January 1, 2006.