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An Act To Establish Necessary MaineCare Pharmacy Incentives

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

Whereas, Maine pharmacies have performed beyond the call of duty in serving the people of Maine and in dispensing prescription drugs at a reimbursement level under the MaineCare program that does not cover the costs to the pharmacies; and

Whereas, as a result of decreasing federal reimbursement under the federal Medicaid program, Maine pharmacies are at significant financial risk in continuing to serve populations covered by MaineCare unless increased reimbursement is provided before the end of the year; 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. Rulemaking. By October 1, 2007, the Department of Health and Human Services shall amend the rules for the MaineCare program to increase reimbursement to pharmacies for dispensing prescription drugs. The rules must increase the dispensing fee paid to pharmacies for each prescription drug dispensed so that the actual cost to the pharmacy for dispensing generic drugs is covered in full. The rules must provide for annual indexing of the dispensing fee so that it rises along with the Consumer Price Index. The rules must create additional types or categories of reimbursement as incentives for pharmacies in dispensing generic drugs. Rules adopted under this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

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

SUMMARY

This bill directs the Department of Health and Human Services to amend the rules for MaineCare reimbursement to pharmacies for prescription drugs in order to increase the dispensing fee on a basis that is indexed to the Consumer Price Index and to provide other increases in reimbursement. The rules adopted are designated as routine technical rules.