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HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES

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**STATE OF MAINE
SENATE
132ND LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 821, L.D. 2005, “An Act Regarding Mail Order Delivery of Prescription Drugs”

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 24-A MRSA §4349, sub-§7 is enacted to read:

7. Covered persons using mail order pharmacy; access to prescription drugs. If a covered person is using a mail order pharmacy, the pharmacy benefits manager shall allow for the dispensing of the covered person's prescription drug at a network pharmacy under the following circumstances to ensure that the covered person has access to prescription drugs.

A. If the prescription is delayed by more than one day after the expected delivery date provided by the mail order pharmacy, the network pharmacy shall provide the covered person up to a 7-day supply or the smallest prepackaged unit supply of the prescription drug.

B. If the prescription drug arrives in an unusable condition, the network pharmacy shall provide the prescription drug in accordance with the covered person's prescription.

A covered person that receives a prescription drug pursuant to paragraph A or B may not be subject to any payment that exceeds the total of one copayment, coinsurance payment or other out-of-pocket payment for the dispensing of that prescription drug.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment replaces the bill in order to clarify that a covered person is entitled to no more than a 7-day supply or the smallest prepackaged unit supply of a prescription drug to be dispensed at a network pharmacy when the delivery by the mail order pharmacy of

COMMITTEE AMENDMENT

1 the prescription drug is delayed by more than one day. The amendment clarifies that a
2 covered person is entitled to receive a prescription drug to be dispensed at a network
3 pharmacy in accordance with the covered person's prescription if the prescription drug
4 arrives from the mail order pharmacy in an unusable condition. The amendment also
5 clarifies that a covered person may not be subject to a payment that exceeds the total of one
6 copayment, coinsurance payment or other out-of-pocket payment for the dispensing of the
7 prescription drug in these circumstances.

8 **FISCAL NOTE REQUIRED**

9 **(See attached)**