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Date: (Filing No. H- )

**LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
127TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 99, L.D. 141, Bill, “An Act To Amend the Definition of "Health Care Practitioner" in the Maine Health Security Act To Include Pharmacists ”

Amend the bill by striking out the title and substituting the following:

**'An Act To Require the Reimbursement of Pharmacists for Counseling under MaineCare'**

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

**'Sec. 1. 22 MRSA §3174-YY** is enacted to read:

**§3174-YY. Reimbursement for pharmacist counseling services**

**1. Reimbursement.** Beginning January 1, 2016, the department shall provide for the reimbursement of pharmacists under the MaineCare program for counseling services as defined in Title 32, section 13702-A, subsection 4-A.

**2. Rulemaking.** The department shall adopt rules to implement this section. The rules must include, at a minimum, reimbursement levels and a description of products that require counseling services by a pharmacist. Rules must be adopted by January 1, 2016. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. 32 MRSA §13702-A, sub-§4-A** is enacted to read:

**4-A. Counseling services.** "Counseling services" means the advising of a person related to the use of prescription drugs, including, but not limited to, tobacco cessation products, and to the use of nonprescription drugs, including, but not limited to, over-the-counter nicotine replacement products.

**Sec. 3. 32 MRSA §13702-A, sub-§28,** as amended by PL 2013, c. 308, §2, is further amended to read:

**COMMITTEE AMENDMENT**

1           **28. Practice of pharmacy.** "Practice of pharmacy" means the interpretation and  
2 evaluation of prescription drug orders; the compounding, dispensing and labeling of  
3 drugs and devices, except labeling by a manufacturer, packer or distributor of  
4 nonprescription drugs and commercially packaged legend drugs and devices; the  
5 participation in drug selection and drug utilization reviews; the proper and safe storage of  
6 drugs and devices and the maintenance of proper records for these drugs and devices; the  
7 administration of vaccines licensed by the United States Food and Drug Administration  
8 that are recommended by the United States Centers for Disease Control and Prevention  
9 Advisory Committee on Immunization Practices, or successor organization, for  
10 administration to adults; the performance of collaborative drug therapy management; the  
11 responsibility for advising, when necessary or regulated, of therapeutic values, content,  
12 hazards and use of drugs and devices; counseling services; and the offering or performing  
13 of those acts, services, operations or transactions necessary in the conduct, operation,  
14 management and control of a pharmacy.'

15

### SUMMARY

16           This amendment is the minority report of the committee. It strikes the bill and it  
17 requires pharmacists providing counseling services within the scope of their practice to be  
18 reimbursed by MaineCare. It provides a definition of "counseling services," which  
19 includes advising a person about prescription and nonprescription drugs that include but  
20 are not limited to tobacco cessation products, and includes counseling services in the  
21 scope of practice of pharmacists. It requires the Department of Health and Human  
22 Services to adopt routine technical rules to reimburse pharmacists for counseling services.