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Date: (Filing No. H-)

INSURANCE AND FINANCIAL SERVICES

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

COMMITTEE AMENDMENT “ ” to H.P. 788, L.D. 1150, Bill, “An Act Regarding Maximum Allowable Cost Pricing Lists Used by Pharmacy Benefit Managers”

Amend the bill in section 1 in subsection 12 in paragraph B in the 3rd line (page 1, line 20 in L.D.) by striking out the following: "3" and inserting the following: '2'

Amend the bill in section 1 in subsection 12 by striking out all of paragraph H (page 2, lines 30 to 32 in L.D.) and inserting the following:

'H. A pharmacy may request mediation by a private mediator, agreed upon by the pharmacy and the pharmacy benefits manager, to resolve any disagreements related to maximum allowable costs for a prescription drug. A request for mediation does not waive any existing rights of appeal available to a pharmacy under this subsection.

I. The requirements of this subsection apply to contracts between a pharmacy and a pharmacy benefits manager executed or renewed on or after January 1, 2016.'

SUMMARY

This amendment is the majority report of the committee. The amendment provides that a pharmacy benefits manager may set a maximum allowable cost for a prescription drug only if that drug is nationally available and has 2 or more nationally available therapeutically equivalent drug substitutes with a significant cost difference rather than 3 or more as provided in the bill. The amendment also replaces the provision in the bill authorizing the Superintendent of Insurance to enforce violations with a provision granting a pharmacy the right to request mediation by a private mediator to resolve disagreements related to maximum allowable cost pricing.

The amendment specifies that the provisions apply to contracts between a pharmacy and a pharmacy benefits manager executed or renewed on or after January 1, 2016.

COMMITTEE AMENDMENT