

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND THIRTEEN

—
S.P. 483 - L.D. 1376

**An Act To Ensure the Choice of a Pharmacy for Injured Employees under
the Workers' Compensation Act of 1992**

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

Sec. 1. 39-A MRSA §206, sub-§11, as amended by PL 2007, c. 695, Pt. B, §24, is further amended to read:

11. Generic drugs. Providers shall prescribe generic drugs whenever medically acceptable for the treatment of an injury or disease for which compensation is claimed. An employee shall purchase generic drugs for the treatment of an injury or disease for which compensation is claimed if the prescribing provider indicates that generic drugs may be used and if generic drugs are available at the time and place of purchase under subsection 11-A. If an employee purchases a nongeneric drug when the prescribing provider has indicated that a generic drug may be used and a generic drug is available at the time and place of purchase, the insurer or self-insurer is required to reimburse the employee for the cost of the generic drug only. For purposes of this ~~section~~ subsection, "generic drug" has the same meaning found in Title 32, section 13702-A, subsection 14.

Sec. 2. 39-A MRSA §206, sub-§11-A is enacted to read:

11-A. Pharmacy choice. An employee who has been prescribed drugs for the treatment of an injury or disease for which compensation is claimed has the right to select the provider, pharmacy or pharmacist for dispensing and filling the prescription for the drugs.

For purposes of this subsection, "drug" has the same meaning as in Title 32, section 13702-A, subsection 11.