

Compiling a Legislative History in Maryland

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West's Annotated Code of Maryland

Insurance (Refs & Annos)

Title 15. Health Insurance

 Subtitle 16. Pharmacy Benefits Managers (Refs & Annos)

 Part I. Definitions



Proposed Legislation

Effective: May 13, 2019

MD Code, Insurance, § 15-1601

§ 15-1601. Definitions

[Currentness](#)

In general

(a) In this subtitle the following words have the meanings indicated.

Agent

(b) "Agent" means a pharmacy, a pharmacist, a mail order pharmacy, or a nonresident pharmacy acting on behalf or at the direction of a pharmacy benefits manager.

Beneficiary

(c) "Beneficiary" means an individual who receives prescription drug coverage or benefits from a purchaser.

Compensation program

(c-1) "Compensation program" means a program, policy, or process through which sources and pricing information are used by a pharmacy benefits manager to determine the terms of payment as stated in a participating pharmacy contract.



§ 15-1601. Definitions

MD INSURANCE § 15-1601 | West's Annotated Code of Maryland | Insurance | Effective: May 13, 2019 (Approx. 4 pages)

Document

Notes of Decisions (0)

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Therapeutic interchange

(q)(1) "Therapeutic interchange" means any change from one prescription drug to another.

(2) "Therapeutic interchange" does not include:

- (i) a change initiated pursuant to a drug utilization review;
- (ii) a change initiated for patient safety reasons;
- (iii) a change required due to market unavailability of the currently prescribed drug;
- (iv) a change from a brand name drug to a generic drug in accordance with [§ 12-504 of the Health Occupations Article](#); or
- (v) a change required for coverage reasons because the originally prescribed drug is not covered by the beneficiary's formulary or plan.

Therapeutic interchange solicitation

(r) "Therapeutic interchange solicitation" means any communication by a pharmacy benefits manager for the purpose of requesting a therapeutic interchange.

Trade secret

(s) "Trade secret" has the meaning stated in [§ 11-1201 of the Commercial Law Article](#).

Credits

Added by [Acts 2008, c. 201, § 1, eff. Oct. 1, 2008](#); [Acts 2008, c. 202, § 1, eff. Oct. 1, 2008](#); [Acts 2008, c. 203, § 1, eff. Oct. 1, 2008](#); [Acts 2008, c. 204, § 1, eff. Oct. 1, 2008](#); [Acts 2008, c. 205, § 1, eff. Oct. 1, 2008](#); [Acts 2008, c. 206, § 1, eff. Oct. 1, 2008](#); [Acts 2008, c. 262, § 1, eff. Oct. 1, 2008](#); [Acts 2008, c. 279, § 1, eff. Oct. 1, 2008](#) Amended by [Acts 2019, c. 400, § 1, eff. May 13, 2019](#).

MD Code, Insurance, § 15-1601, MD INSURANCE § 15-1601

INSURANCE—PHARMACY BENEFITS MANAGERS—PHARMACY AND THERAPEUTICS COMMITTEES

2008 Maryland Laws Ch. 279 (H.B. 580) (Approx. 3 pages)

Document

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2008 Maryland Laws Ch. 279 (H.B. 580)

MARYLAND 2008 SESSION LAWS REGULAR SESSION

Additions are indicated by **Text**; deletions by
~~Text~~ . Changes in tables are made but not highlighted.

Chapter 279
H.B. No. 580

INSURANCE—PHARMACY BENEFITS MANAGERS—PHARMACY AND THERAPEUTICS COMMITTEES

AN ACT concerning

Pharmacy Benefits Managers—Pharmacy and Therapeutics Committees

FOR the purpose of establishing certain requirements for a pharmacy and therapeutics committee of a pharmacy benefits manager; requiring a pharmacy benefits manager to ensure that its pharmacy and therapeutics committee has certain policies and procedures; requiring a pharmacy benefits manager to disclose information about the composition of its pharmacy and therapeutics committee to a certain person under certain circumstances; prohibiting a pharmacy benefits manager from requiring a pharmacist to participate on its pharmacy and therapeutics committee; authorizing the Maryland Insurance Commissioner to adopt certain regulations; making certain provisions of law applicable to health maintenance organizations; defining certain terms; and generally relating to regulation of pharmacy benefits managers.

BY adding to Article—Insurance Section 15–1601 and 15–1602 to be under the new subtitle “Subtitle 16. Pharmacy Benefits Managers” Annotated Code of Maryland (2006 Replacement Volume and 2007 Supplement)

BY adding to Article—Health—General Section 19–706(ppp) Annotated Code of Maryland (2005 Replacement Volume and 2007 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

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Welcome to the *Archives of Maryland Online*

The ongoing Maryland State Archives publication series, *Archives of Maryland Online*, currently provides the basis of Maryland's government. Online access enables users to research such topics as Maryland's colonial papers, and military records. This project allows the Archives to place into electronic form and preserve disintegrating paper.

The Information Technology Fund of the State of Maryland provided initial funding for the online *Archives of Maryland Online*. [Description](#) for additional background as well as technical details and staff.

[Interpreting the Archives of Maryland Online](#)

This section of the *Archives of Maryland Online* provides direct links to essays and monographs that were originally published in sources contained in AOMOL.

[Web Publications of the Maryland State Archives](#)

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417	2003, Jan. 8-2003, Apr. 7 Regular Session (members)	Session Laws	Summary General Assembly We
418	2004, Jan. 14-2004, Apr. 12 Regular Session (members)	Session Laws	Summary General Assembly We
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420	2005, Jan. 12-2005, Apr. 11 Regular Session (members)	Session Laws	Summary General Assembly We
421	2006, Jan. 11-2006, Apr. 10 Regular Session (members)	Session Laws	Summary General Assembly We
422	2006, June 14-15 & 2006, June 23 Special Session (members)	Session Laws	Summary General Assembly We
423	2007, Jan. 10-2007, Apr. 9 Regular Session (members)	Session Laws	Summary General Assembly We
424	2007, Oct. 29-2007, Nov. 19 Special Session (members)	Session Laws	Summary General Assembly We
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Volume 811

Preface

General Assembly

January 9, 2008 - April 7, 2008

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aryland series was originally published in 2008. The Archives of Maryland edition was published in 2011 and contains 100 pages with no corresponding searchable text.

Martin O'Malley, Governor

Ch. 279

CHAPTER 279

(House Bill 580)

AN ACT concerning

Pharmacy Benefits Managers – Pharmacy and Therapeutics ~~Committee~~ Committees

FOR the purpose of establishing certain requirements for ~~members of~~ a pharmacy and therapeutics committee of a pharmacy benefits manager; requiring a pharmacy benefits manager to ensure that its pharmacy and therapeutics committee has certain policies and procedures; requiring a pharmacy benefits manager to disclose information about the composition of its pharmacy and therapeutics committee to a certain person under certain circumstances; prohibiting a pharmacy benefits manager from requiring a pharmacist to participate on its pharmacy and therapeutics committee; authorizing the Maryland Insurance Commissioner to adopt certain regulations; making certain provisions of law applicable to health maintenance organizations; defining certain terms; and generally relating to regulation of pharmacy benefits managers.

BY adding to

Article – Insurance

Section 15-1601 and 15-1602 to be under the new subtitle "Subtitle 16.

Pharmacy Benefits Managers"

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

General Assembly of Maryland

Executive Branch | Judiciary

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About Legislation

Legislation Introduced during the
2008 Regular Session

Senate

SB0001 - SB1014

Resolutions SJ0001 - SJ0005

House

HB0001 - HB1627

Resolutions HJ0001 - HJ0005

Enacted Legislation

Resolutions CH0001 - CH0702

Status of All Legislation

Senate

House

Look Up - 2008 Regular Session

Number:

Sponsor:

Broad Subjects:
(File Code)

Narrow Subjects:
(One or Two)

Committee:

Statute Affected:

Legislation List:

Change Session:

Legislation 2008 Regular Session

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[2008 Regular Session](#)

HOUSE BILL 580

CHAPTER NUMBER: 279 

File Code: [Health Care Facilities and Regulation](#)

Crossfiled with: [SENATE BILL 720](#)

Sponsored By:

Delegates Oaks, Costa, Davis, Elliott, Hammen, Hubbard, Kipke, Rudolph, Benson, Bromwell, Donoghue, Kach, McDonough, Mizeur, Montgomery, Morhaim, Nathan-Pulliam, Pena-Melnyk, Pendergrass, Reznik, Riley, V. Turner, and Weldon

Entitled:

Pharmacy Benefits Managers - Pharmacy and Therapeutics Committees

Synopsis:

Establishing requirements for a pharmacy and therapeutics committee of a pharmacy benefits manager; requiring a pharmacy benefits manager to ensure that its pharmacy and therapeutics committee has specified policies and procedures; authorizing the Maryland Insurance Commissioner to adopt regulations; making specified provisions of law applicable to health maintenance organizations; etc.

History by Legislative and Calendar Date

Legislative date is used to record history occurring in the Chambers otherwise Calendar date is used.

House Action

1/31

First Reading Health and Government Operations

Hearing 2/7 at 1:00 p.m.

3/18

Favorable with Amendments Report by Health and Government Operations

3/16

Favorable with Amendments Report Adopted

Second Reading Passed with Amendments

3/17

Third Reading Passed (100-0)

Sponsored by:

Delegate Nathaniel T. Oaks, District 41
Delegate Joanne C. Benson, District 24
Delegate Eric M. Bromwell, District 8
Delegate Robert A. Costa, District 33B
Delegate Dereck E. Davis, District 25
Delegate John P. Donoghue, District 2C
Delegate Donald B. Elliott, District 4B
Delegate Peter A. Hammen, District 46
Delegate James W. Hubbard, District 23A
Delegate Wade Kach, District 5B
Delegate Nicholas R. Kipke, District 31
Delegate Pat McDonough, District 7
Delegate Heather R. Mizeur, District 20
Delegate Karen S. Montgomery, District 14
Delegate Dan K. Morhaim, District 11
Delegate Shirley Nathan-Pulliam, District 10
Delegate Joseline A. Pena-Melnyk, District 21
Delegate Shane E. Pendergrass, District 13
Delegate Kirill Reznik, District 39
Delegate B. Daniel Riley, District 34A
Delegate David D. Rudolph, District 34B
Delegate Veronica Turner, District 26
Delegate Richard B. Weldon, Jr., District 3B

Bill indexed under the following Subjects:

Committees and Commissions -see also- Political Committees
Disclosure
Drugs -see also- Controlled Dangerous Sub; Substance Abuse
Ethics

Bill affects the following Statutes:



Health - General


(19-706)

Insurance

(15-1601 , 15-1602)

Documents:

Bill Text (Displayed in PDF Format): [First Reading](#) , [Third Reading](#) , [Enrolled](#) , [Chapter](#) 


Fiscal and Policy Note (Displayed in PDF Format): [Available](#) 

Amendments (Displayed in PDF Format):

House

Number: [946482/01](#)  Offered on: March 19, 2008 at: 10:59 a.m. Status: Adopted

Senate

Number: [177974/01](#)  Offered on: April 1, 2008 at: 12:20 p.m. Status: Adopted

Roll Call Votes (Legislative dates are shown):

House

March 17, 2008: Third Reading Passed (138-0)

March 30, 2008: Third Reading Passed (139-0)

Senate

March 29, 2008: Third Reading Passed (47-0)

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE
Revised

House Bill 580 (Delegate Oaks, *et al.*)

Health and Government Operations

Finance

Pharmacy Benefits Managers - Pharmacy and Therapeutics Committees

This bill establishes requirements for a pharmacy and therapeutics committee of a pharmacy benefits manager. A PBM is prohibited from requiring a pharmacy to participate on its P&T committee.

The bill authorizes the Insurance Commissioner to adopt regulations to implement the bill.

Fiscal Summary

State Effect: Potential minimal increase in special fund expenditures for the Maryland Insurance Administration beginning in FY 2009 to ensure compliance with the bill. No effect on revenues.

Local Effect: None.

Small Business Effect: Minimal to none.

Analysis

Bill Summary: The bill does not apply to any service provided by a nonprofit HMO that operates as a group model provided that the service is provided solely to members and furnished through the internal pharmacy operations of the nonprofit HMO. The bill does



2008 Regular Session

SENATE BILL 720

File Code: [Health Care Facilities and Regulation](#)

Crossfiled with: [HOUSE BILL 580](#)

Sponsored By:

Senators Klausmeier, Della, Exum, Garagiola, and Pugh

Entitled:

Pharmacy Benefits Managers - Pharmacy and Therapeutics Committees

Synopsis:

Establishing requirements for a pharmacy and therapeutics committee of a pharmacy benefits manager; requiring a pharmacy benefits manager to ensure that its pharmacy and therapeutics committee has specified policies and procedures; making specified provisions of law applicable to health maintenance organizations; etc.

History by Legislative and Calendar Date

Legislative date is used to record history occurring in the Chambers otherwise Calendar date is used.

Senate Action

2/1

First Reading Finance

2/20

Hearing 3/12 at 1:00 p.m.

3/20

Favorable with Amendments Report by Finance
Favorable with Amendments Report Adopted
Second Reading Passed with Amendments

3/22

Third Reading Passed (47-0)

4/2

Senate Concur - House Amendment

Third Reading Passed (46-0)

History by Legislative and Calendar Date

Legislative date is used to record history occurring in the Chambers otherwise Calendar date is used.

Senate Action

2/1

First Reading Finance

2/20

Hearing 3/12 at 1:00 p.m.

3/20

Favorable with Amendments Report by Finance

Favorable with Amendments Report Adopted

Second Reading Passed with Amendments

3/22

Third Reading Passed (47-0)

4/2

Senate Concur - House Amendment

Third Reading Passed (46-0)

Passed Enrolled

House Action

3/22

First Reading Health and Government Operations

3/28

Hearing 4/1 at 1:00 p.m.

4/4

Favorable with Amendments Report by Health and Government Operations

3/29

Favorable with Amendments Report Adopted


Second Reading Passed with Amendments

3/30

Third Reading Passed with Amendments (139-0)

Action after passage in Senate and House

5/22

Vetoed  by the Governor (Duplicative)

May 22, 2008

The Honorable Thomas V. Mike Miller, Jr.

President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, I have today vetoed Senate Bill 720 – *Pharmacy Benefits Managers – Pharmacy and Therapeutics Committees*.

This bill establishes requirements for a pharmacy and therapeutics committee of a pharmacy benefits manager. The bill requires a pharmacy benefits manager to ensure that its pharmacy and therapeutics committee has specified policies and procedures to make specified provisions of law applicable to health maintenance organizations.

House Bill 580, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 720.

Sincerely,

Governor

Entitled: Health Care Disparities, Cultural and Linguistic Competency, and Health Literacy - Recommended Courses

Sponsored by: [Delegate Pena-Melnyk](#)

Status: Approved by the Governor - Chapter 437

[Summary](#)[Documents](#)[History](#)

Synopsis:	Requiring the Office of Minority Health and Health Disparities to provide to specified health occupations boards a list of specified recommended courses in cultural and linguistic competency, health disparities, and health literacy; requiring each board to post a course list prominently on the Boards' Web site, provide information about the recommended courses to health care professionals at the time of license renewal, and advertise the availability of specified courses in specified newsletters and media; etc.
Analysis:	Fiscal and Policy Note (Revised)
All Sponsors:	Delegates Pena-Melnyk , Atterbeary , Campos , Carr , Cullison , Davis , Kelly , Oaks , B. Robinson , Sophocleus , and Tarlau
Additional Facts:	Cross-filed with: SB0198 Bill File Type: Regular Effective Date(s): October 1, 2015
Committee(s):	Health and Government Operations Education, Health, and Environmental Affairs
Broad Subject(s):	Health Occupations
Narrow Subject(s):	Administrative Agencies -see also- Electronic Government Advertising Committees and Commissions -see also- Political Committees Counselors -see also- Social Workers Dentists

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Are you old enough to light up?
Starting tomorrow, the minimum
age to purchase tobacco products
and paraphernalia in Maryland is
21. Learn more at [peoples-
law.org/tobacco-vaping...](http://peoples-law.org/tobacco-vaping...)



Sep 30, 2019

Welcome

Research at Your Fingertips

- The People's Law Library of Maryland



Maryland legal self-help web site managed by the Library

- Gateway to Maryland Law

Links to Maryland case law, Maryland Code, COMAR, county and city codes, and Maryland law journals

- Scanned Collections

See our expanding collection of scanned Maryland full-text legal materials

Scanned Collections

The Thurgood Marshall State Law Library is committed to improving public access to its comprehensive collections of legal and government information. Consequently, the Library has embarked on a program to digitize those printed Maryland materials that are both fairly unique to the Library and frequently used by legal researchers.

Our **current collections** include:

Judicial Conference Proceedings

Scanned copies of the Proceedings of the Maryland Judicial Conference, dating from 1947 to 1997, provide historical information on the work of the Judiciary.

Judiciary Administrative Orders

This digitization project includes all scanned copies of Administrative Orders of the Court of Appeals, since 1955. Traditionally, Administrative Orders have been issued by the Chief Judge of the Court of Appeals, and less frequently, by the full Court, pursuant to powers vested by Article IV, § 18 of the Maryland Constitution. These Orders cover a broad array of topics including: court administration, conferences and boards, technology, and records and reporting. The site also includes "Local Orders" of Circuit Courts (which most often include inclement weather closings).

Legislative Bill Files

The Library, in cooperation with the Legislative Services Library, provides online access to bill files from the 2003 Session and subsequent sessions as they become available. A few miscellaneous bill files pre-2003 are available in the collection. The bill files contain information collected by the General Assembly's Standing Committees about bills submitted to them for review.

Legislative Council Materials

The Maryland Legislative Council, which existed from 1939 through 1975, studied various



Judicial Conference Proceedings

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
























Transactions of the Md State Bar Association

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	 ★ House Bill 626, Regular Session (Md. 2003).	Maryland General Assembly	Annapolis, Md. : Department of Legislative Services, 20	2003	2003	Maryland Legislative Bill Files	
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	 ★ Senate Bill 257, Regular Session (Md. 2004).	Maryland General Assembly	Annapolis, Md. : Department of Legislative Services, 20	2004	2004	Maryland Legislative Bill Files	
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	 ★ Senate Bill 265, Regular Session (Md. 2004).	Maryland General Assembly	Annapolis, Md. : Department of Legislative Services, 20	2004	2004	Maryland Legislative Bill Files	
	 ★ Senate Bill 266, Regular Session (Md. 2004).	Maryland General Assembly	Annapolis, Md. : Department of Legislative Services, 20	2004	2004	Maryland Legislative Bill Files	
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	 ★ Senate Bill 269, Regular Session (Md. 2004).	Maryland General Assembly	Annapolis, Md. : Department of Legislative Services, 20	2004	2004	Maryland Legislative Bill Files	

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






























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		 ★ House Bill 0006, Regular Session (2008).	Maryland General Assembly	Annapolis, Md. : Department of Legislative Services, 20 2008	2008	2008	Maryland Legislative Bill Files
		 ★ House Bill 0007, Regular Session (2008).	Maryland General Assembly	Annapolis, Md. : Department of Legislative Services, 20 2008	2008	2008	Maryland Legislative Bill Files
		 ★ House Bill 0008, Regular Session (2008).	Maryland General Assembly	Annapolis, Md. : Department of Legislative Services, 20 2008	2008	2008	Maryland Legislative Bill Files
		 ★ House Bill 0009, Regular Session (2008).	Maryland General Assembly	Annapolis, Md. : Department of Legislative Services, 20 2008	2008	2008	Maryland Legislative Bill Files
		 ★ House Bill 0010, Regular Session (2008).	Maryland General Assembly	Annapolis, Md. : Department of Legislative Services, 20 2008	2008	2008	Maryland Legislative Bill Files
		 ★ House Bill 0011, Regular Session (2008).	Maryland General Assembly	Annapolis, Md. : Department of Legislative Services, 20 2008	2008	2008	Maryland Legislative Bill Files
		 ★ House Bill 0012, Regular Session (2008).	Maryland General Assembly	Annapolis, Md. : Department of Legislative Services, 20 2008	2008	2008	Maryland Legislative Bill Files
		 ★ House Bill 0013, Regular Session (2008).	Maryland General Assembly	Annapolis, Md. : Department of Legislative Services, 20 2008	2008	2008	Maryland Legislative Bill Files
		 ★ House Bill 0014, Regular Session (2008).	Maryland General Assembly	Annapolis, Md. : Department of Legislative Services, 20 2008	2008	2008	Maryland Legislative Bill Files
		 ★ House Bill 0015, Regular Session (2008).	Maryland General Assembly	Annapolis, Md. : Department of Legislative Services, 20 2008	2008	2008	Maryland Legislative Bill Files
		 ★ House Bill 0016, Regular Session (2008).	Maryland General Assembly	Annapolis, Md. : Department of Legislative Services, 20 2008	2008	2008	Maryland Legislative Bill Files
		 ★ House Bill 0048, Regular Session (2008).	Maryland General Assembly	Annapolis, Md. : Department of Legislative Services, 20 2008	2008	2008	Maryland Legislative Bill Files

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	★ House Bill 1559, Regular Session (2008).	Maryland General Assembly	Annapolis, Md. : Department of Legislative Services, 20 2008	2008	2008	Maryland Leg
	★ House Bill 1131, Regular Session (2008).	Maryland General Assembly	Annapolis, Md. : Department of Legislative Services, 20 2008	2008	2008	Maryland Leg
	★ House Bill 0070, Regular Session (2008).	Maryland General Assembly	Annapolis, Md. : Department of Legislative Services, 20 2008	2008	2008	Maryland Leg

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2008 LEGISLATIVE HISTORY FOR HB0580

LR0724

FILECODE: J3

SPONSOR(S): Oaks, Nathaniel T., Delegate District 41
Benson, Joanne C., Delegate District 24
Bromwell, Eric M., Delegate District 8
Costa, Robert A., Delegate District 33B
Davis, Dereck E., Delegate District 25
Donoghue, John P., Delegate District 2C
Elliott, Donald B., Delegate District 4B
Hammen, Peter A., Delegate District 46
Hubbard, James W., Delegate District 23A
Kach, Wade, Delegate District 5B
Kipke, Nicholas R., Delegate District 31
McDonough, Pat, Delegate District 7
Mizeur, Heather R., Delegate District 20
Montgomery, Karen S., Delegate District 14
Morhaim, Dan K., Delegate District 11
Nathan-Pulliam, Shirley, Delegate District 10
Pena-Melnyk, Joseline A., Delegate District 21
Pendergrass, Shane E., Delegate District 13
Reznik, Kirill, Delegate District 39
Riley, B. Daniel, Delegate District 34A
Rudolph, David D., Delegate District 34B
Turner, Veronica, Delegate District 26
Weldon, Richard B., Jr., Delegate District 3B

SHORT TITLE: Pharmacy Benefits Managers - Pharmacy and
Therapeutics Committees

COMMENT: Session Laws, Chapter 279 -- See also sb0720 --

FISCAL IMPACT:

SYNOPSIS:

Establishing requirements for a pharmacy and therapeutics committee of
a pharmacy benefits manager; requiring a pharmacy benefits manager to

DOUGLAS F. GANSLER
ATTORNEY GENERAL

KATHERINE WINFREE
Chief Deputy Attorney General

JOHN B. HOWARD, JR.
Deputy Attorney General



THE ATTORNEY GENERAL OF MARYLAND
OFFICE OF COUNSEL TO THE GENERAL ASSEMBLY

April 23, 2008

The Honorable Martin J. O'Malley
Governor of Maryland
State House
100 State Circle
Annapolis, Maryland 21401

Dear Governor O'Malley:

We have reviewed the following bills and hereby approve them for constitutionality and legal sufficiency:

Gibson
HB 580
DAN FRIEDMAN
Counsel to the General Assembly

SANDRA BENSON BRANTLEY
BONNIE A. KIRKLAND
KATHRYN M. ROWE
Assistant Attorneys General



HEALTH AND GOVERNMENT OPERATIONS COMMITTEE
PETER A. HAMMEN, CHAIRMAN • COMMITTEE REPORT SYSTEM
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FLOOR REPORT

House Bill 580

Pharmacy Benefits Managers - Pharmacy and Therapeutics Committee

BILL SUMMARY

This bill establishes requirements for a pharmacy and therapeutics committee of a pharmacy benefits manager. The bill prohibits a PBM from requiring a pharmacy to participate in a P&T committee.

AMENDMENT SUMMARY AND RATIONALE

Amendment No. 1 adds sponsors and makes technical changes.

Amendment No. 2 strikes the original bill and substitutes provisions that set requirements for the membership of a P&T committee, allow the Insurance Commissioner to deem a PBM as



STATE OF MARYLAND

DHMH

Department of Health and Mental Hygiene

Martin O'Malley, Governor – Anthony G. Brown, Lt. Governor – John M. Colmers, Secretary

MARYLAND BOARD OF PHARMACY

4201 Patterson Avenue • Baltimore, Maryland 21215-2299

Donald Taylor, Board President - LaVerne G. Naesea, Executive Director

February 7, 2008

The Honorable Peter A. Hammen
Chairman
House Health and Government Operations Committee
House Office Building, Room 241
12 Bladen St., Annapolis, MD 21401 - 1991

Re: HB 580 – Pharmacy Benefits Managers –Pharmacy and
Therapeutics Committee, Letter of Support

Dear Chairman Hammen:

The Maryland Board of Pharmacy (the "Board") submits this **Letter of Support** regarding HB 580 – Pharmacy Benefits Managers – Pharmacy and Therapeutics Committee. This legislation sets forth the types of members and criteria for membership in a Pharmacy and Therapeutics Committee. A Pharmacy and Therapeutics Committee is part of the pharmacy benefits manager's operations and assists the pharmacy benefits manager in determining the list of medications that will be reimbursed by the insurance companies and dispensed to the patient.

The Board support this legislation because it is in the interest of public safety to have a physician or other authorized prescriber, a pharmacist or a faculty member of an academic medical center involved in determinations concerning which medications the pharmacy benefits manager will approve for dispensing. This bill also requires that members of the Pharmacy and Therapeutics Committee not work for a manufacturer or have any financial interest in which drugs are

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
Washington, DC 20580



Office of Policy Planning
Bureau of Economics
Bureau of Competition

July 15, 2005

Representative Patrick T. McHenry
224 Cannon House Office Building
Washington, D.C. 20515-3310

Dear Representative McHenry:

The staffs of the Federal Trade Commission's Office of Policy Planning, Bureau of Competition, and Bureau of Economics¹ are pleased to respond to your request for comments on the likely competitive effects of North Carolina House Bill 1374 ("HB 1374" or the "Bill") that would regulate the contractual relationships between pharmacy benefit managers ("PBMs") and both "health benefit plans" ("HBPs")² and pharmacies.

¹ This letter expresses the views of the Federal Trade Commission's Office of Policy Planning, Bureau of Competition, and Bureau of Economics. The letter does not necessarily represent the views of the Federal Trade Commission (Commission) or of any individual Commissioner. The Commission has, however, voted to authorize us to submit these comments.

² HB 1374 defines a "Health Benefit Plan" as "an accident and health insurance policy or certificate; a

RULE 5-613. PRIOR STATEMENTS OF WITNESSES

MD R REV Rule 5-613 | West's Annotated Code of Maryland | Maryland Rules (Approx. 2 pages)

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📖 Title 5. Evidence (Refs & Annos)

📖 Chapter 600. Witnesses

MD Rules, Rule 5-613

RULE 5-613. PRIOR STATEMENTS OF WITNESSES

[Currentness](#)

(a) Examining Witness Concerning Prior Statement. A party examining a witness about a prior written or oral statement made by the witness need not show it to the witness or disclose its contents at that time, provided that before the end of the examination (1) the statement, if written, is disclosed to the witness and the parties, or if the statement is oral, the contents of the statement and the circumstances under which it was made, including the persons to whom it was made, are disclosed to the witness and (2) the witness is given an opportunity to explain or deny it.

(b) Extrinsic Evidence of Prior Inconsistent Statement of Witness. Unless the interests of justice otherwise require, extrinsic evidence of a prior inconsistent statement by a witness is not admissible under this Rule (1) until the requirements of section (a) have been met and the witness has failed to admit having made the statement and (2) unless the statement concerns a non-collateral matter.

Source: This Rule is derived from [F.R.Ev. 613](#).

Credits

[Adopted Dec. 15, 1993, eff. July 1, 1994.]

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3.		★ Appendix Rules Committee Meeting: February 1, 1993 Maryland Rules Committee	-	1993	2/12/1993	
4.		★ Appendix Rules Committee Meeting: March 12, 1993 Maryland Rules Committee	-	1993	3/12/1993	
5.		★ Rules Committee Meeting Minutes: May 26, 2006 Maryland Rules Committee	-	2006	5/26/2006	
6.		★ Appendix Rules Committee Meeting: May 26, 2006 Maryland Rules Committee	-	2006	5/26/2006	

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Source: This Rule is derived from F.R.Ev. 613.

REPORTER'S NOTE

The proposed Rule is derived from F.R.Ev. 613, which is identical to the Uniform Rule. It rejects the common law "Queen Caroline's rule" currently followed in Maryland, under which impeachment of a witness by the witness's prior inconsistent statement must be preceded by showing the witness the statement, if written, or disclosing its contents, if oral, as well as by telling the witness when, where, and to whom the statement was made. The proposed Rule retains (with an exception where justice requires) that part of the common law approach, however, under which extrinsic evidence of a witness's prior inconsistent

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Proposed Rules Changes and Recent Rules Orders

201st Report

Report	Submitted to Court Of Appeals	Date of Court's Open Meeting	Rules Order Document
201st Report PDF	09/12/2019 Note: Comment period ends 10-15-19		

200th Report

Report	Submitted to Court Of Appeals	Date of Court's Open Meeting	Rules Order Document
200th Report PDF	03/05/2019 Note: Comment period ends 04-05-19	05/15/2019 @ 10:00 am See NOTICE	Rules Order 05/16/2019

199th Report

Report	Submitted to Court Of Appeals	Date of Court's Open Meeting	Rules Order Document
Supplement to the 199th Report PDF	05/09/2019		

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Minutes of Rules Committee Meetings

Note: The minutes are available in PDF (Portable Document Format) To view, print, cut and paste from you may be required to download the free Adobe Acrobat Reader software.



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- Comments?