

- (3) NEGOTIATED DISCOUNTS; AND
- (4) OTHER COST-SAVING MEASURES.

~~(C) THE MARYLAND RX PROGRAM SHALL:~~

~~(1) BE THE PRESCRIPTION DRUG BENEFIT PLAN FOR ENROLLEES OF THE STATE EMPLOYEE AND RETIREE HEALTH AND WELFARE BENEFITS PROGRAM; AND~~

~~(2) OFFER PRESCRIPTION DRUG BENEFITS TO ANY PERSON THAT SATISFIES THE CONDITIONS ESTABLISHED BY THE DEPARTMENT.~~

~~(D) THE DEPARTMENT SHALL DEVELOP THE PREFERRED LIST OF COVERED PRESCRIPTION DRUGS USING AN EVIDENCE-BASED ANALYSIS THAT:~~

~~(1) FIRST IDENTIFIES THE RELATIVE EFFECTIVENESS OF PRESCRIPTION DRUGS WITHIN THERAPEUTIC CLASSES FOR PARTICULAR DISEASES AND CONDITIONS; AND~~

~~(2) NEXT IDENTIFIES THE LEAST COSTLY PRESCRIPTION DRUGS, INCLUDING GENERIC DRUGS, AMONG THE DRUGS FOUND TO BE EQUALLY EFFECTIVE.~~

~~(E) (1) EXCEPT FOR THE STATE EMPLOYEE AND RETIREE HEALTH AND WELFARE BENEFITS PROGRAM, EACH PERSON PARTICIPATING IN THE MARYLAND RX PROGRAM SHALL BEAR THE COST OF DRUGS PURCHASED THROUGH THE PROGRAM.~~

(D) (1) EACH ENTITY THAT PARTICIPATES IN THE MARYLAND RX PROGRAM SHALL BE RESPONSIBLE FOR THE COST OF DRUGS PURCHASED BY OR ON BEHALF OF THE ENTITY.

(2) THE COST OF DRUGS PURCHASED BY OR ON BEHALF OF THE STATE EMPLOYEE AND RETIREE HEALTH AND WELFARE BENEFITS PROGRAM SHALL BE PAID IN ACCORDANCE WITH THE STATE BUDGET AND THE PROVISIONS OF THIS SUBTITLE.

~~(E) (2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, THE STATE MAY:~~

~~(1) PROVIDE START-UP FUNDS FOR THE MARYLAND RX PROGRAM; AND~~

~~(2) RECOUP ANY START-UP FUNDS FROM SAVINGS ACHIEVED FOR PARTICIPATING ENTITIES THROUGH THE MARYLAND RX PROGRAM.~~

(F) THE DEPARTMENT MAY:

(1) CHARGE AN ADMINISTRATIVE FEE TO AN ENTITY SUFFICIENT TO OFFSET ITS THE ADMINISTRATIVE COSTS TO PERSONS THAT PARTICIPATE RESULTING FROM THE ENTITY'S PARTICIPATION IN THE MARYLAND RX PROGRAM; AND

(2) CONTRACT WITH A PHARMACY BENEFIT MANAGER OR OTHER ENTITY TO ADMINISTER THE MARYLAND RX PROGRAM.