(b) Unless the prescriber directs otherwise on the form or on an attached signed certification of need, the generic form of the drug AS LISTED IN [from] the Department formulary [or the list of multiple source drugs as finally determined and published by the Pharmaceutical Reimbursement Board of the United States Department of Health and Human Services] shall be used to fill the prescription, EXCEPT FOR DRUGS GENERALLY NOT AVAILABLE IN THE STATE, DRUGS THAT HAVE LOW UTILIZATION, OR DRUGS LACKING SIGNIFICANT COST DIFFERENTIAL BETWEEN THE INTERCHANGEABLE PRODUCTS.

(C) (1) THE PROGRAM SHALL PUBLISH A LIST OF DRUGS INCLUDED ON THE STATE FORMULARY THAT ARE GENERALLY AVAILABLE WITHIN THE STATE, HAVE SUFFICIENT UTILIZATION, AND HAVE SUFFICIENT COST DIFFERENTIAL BETWEEN PRODUCTS.

(2) THE PROGRAM SHALL ESTABLISH MAXIMUM REIMBURSEMENT LEVELS FOR THE DRUG PRODUCTS LISTED UNDER PARAGRAPH (1) OF THIS SUBSECTION BASED ON THE COST OF THE AVAILABLE GENERIC PRODUCTS.

(3) ADDITIONS TO THE PROGRAM LIST OF INTERCHANGEABLE DRUGS SHALL BE EFFECTIVE ~~120~~ 60 DAYS AFTER THE PUBLICATION OF THE ~~FORMULARY~~ PROGRAM LIST OR SUPPLEMENTS TO THE ~~FORMULARY~~ PROGRAM LIST INCLUDING THE CHANGES.

(4) DRUG PRODUCTS REMOVED FROM THE FORMULARY SHALL BE DELETED FROM THE PROGRAM LIST OF INTERCHANGEABLE DRUGS CONCURRENT WITH REMOVAL FROM THE FORMULARY.

(D) THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION.

Article - Health Occupations

12-508.

(d) (1) The Department shall publish and, at least every 6 months, update a formulary that lists those substitutions that may be made under this section. The formulary:

[(1)] (I) Automatically shall list all drug products that the Commissioner of Food and Drugs has:

[(i)] 1. Approved as safe and effective; and

[(ii)] 2. Determined to be therapeutically equivalent;

[(2)] (II) Automatically shall list all drug products that: