

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "AUTHORIZED PRESCRIBER" MEANS ANY LICENSED DENTIST, LICENSED PHYSICIAN, OR LICENSED PODIATRIST AUTHORIZED UNDER THE HEALTH OCCUPATIONS ARTICLE TO PRESCRIBE A PHARMACEUTICAL PRODUCT.

(3) "PHARMACEUTICAL PRODUCT" MEANS A DRUG OR A MEDICINE THAT MAY BE PRESCRIBED BY AN AUTHORIZED PRESCRIBER.

(B) A CONTRACT OR POLICY ISSUED OR DELIVERED IN THIS STATE TO AN EMPLOYER OR INDIVIDUAL BY AN INSURER OR NONPROFIT HEALTH SERVICE PLAN THAT PROVIDES GROUP OR INDIVIDUAL HOSPITAL, MEDICAL, OR SURGICAL BENEFITS AND THAT PROVIDES REIMBURSEMENT FOR ANY PHARMACEUTICAL PRODUCT PRESCRIBED BY AN AUTHORIZED PRESCRIBER MAY NOT ESTABLISH THE AMOUNT OF REIMBURSEMENT TO THE INSURED OR THE INSURED'S BENEFICIARY, INCLUDING COPAYMENTS AND DEDUCTIBLES, ON THE BASIS OF THE IDENTITY, THE PRACTICING SPECIALTY, OR THE OCCUPATION OF THE AUTHORIZED PRESCRIBER.

(A) (C) AN INDIVIDUAL POLICY OR CONTRACT OR GROUP POLICY OR CONTRACT ISSUED OR DELIVERED IN THIS STATE TO AN EMPLOYER BY A NONPROFIT HEALTH PLAN OR INSURANCE COMPANY THAT PROVIDES BENEFITS FOR PHARMACEUTICAL PRODUCTS MAY NOT IMPOSE A COPAYMENT, DEDUCTIBLE, OR OTHER CONDITION ON AN INSURED OR CERTIFICATE HOLDER UTILIZING THE SERVICES OF A COMMUNITY PHARMACY THAT IS NOT IMPOSED ON AN INSURED OR CERTIFICATE HOLDER UTILIZING THE SERVICES OF A MAIL ORDER PHARMACY, WHEN SUCH BENEFITS ARE PROVIDED UNDER THE SAME PROGRAM, POLICY, OR CONTRACT.

(B) (D) THIS SECTION DOES NOT APPLY TO ANY POLICY OR CONTRACT ISSUED TO AN EMPLOYER PURSUANT TO A COLLECTIVE BARGAINING AGREEMENT.

(E) THE PROVISIONS OF §§ 354D, 470E, AND 477E OF THIS ARTICLE DO NOT LIMIT THE AMOUNT OF REIMBURSEMENT PROVIDED UNDER THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to any contract or policy issued or renewed on or after July 1, 1989.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1989.

Approved May 25, 1989.

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