

BY repealing and reenacting, with amendments,

Article 48A – Insurance Code

Section 490AA

Annotated Code of Maryland

(1994 Replacement Volume and 1994 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 19-706(i)

Annotated Code of Maryland

(1990 Replacement Volume and 1994 Supplement)

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

Article 48A – Insurance Code

490AA.

(a) (1) In this section the following words have the meanings indicated.

(2) “Medical literature” means scientific studies published in a peer-reviewed national professional medical journal.

(3) “Off-label use of drugs” means when drugs are prescribed for treatments other than those stated in the labeling approved by the federal Food and Drug Administration.

(4) “Standard reference compendia” means:

(i) The United States Pharmacopeia Drug Information;

(ii) The American Medical Association Drug Evaluations; or

(iii) The American Hospital Formulary Service Drug Information.

(b) (1) Each contract or policy of health insurance delivered or issued for delivery within the State to an employer or an individual on a group or individual basis that provides coverage for drugs, INCLUDING A HEALTH MAINTENANCE ORGANIZATION, may not exclude coverage of a drug for a particular indication on the ground that the drug has not been approved by the federal Food and Drug Administration for that indication if the drug is recognized for treatment of the indication in one of the standard reference compendia or in the medical literature.

(2) Coverage of a drug required by this subsection also includes medically necessary services associated with the administration of the drug.

(c) ~~The Secretary of Health and Mental Hygiene~~ COMMISSIONER has the authority to direct a person that issues a contract or policy of health insurance, INCLUDING A HEALTH MAINTENANCE ORGANIZATION, to make payments required by this section.