

Program in writing of changes in the Pharmaceutical Benefit Program rules or requirements at least 30 days before the change is effective.

(2) Changes that require 30 days' advance written notice under paragraph (1) of this subsection are:

- (i) Exclusion of coverage for classes of drugs as specified by contract;
- (ii) Changes in prior or preauthorization procedures; and
- (iii) Selection of new prescription claims processors.

(3) If the Maryland Pharmacy Assistance Program fails to provide advance notice as required under paragraph (1) of this subsection, it shall honor and pay in full any claim under the Program rules or requirements that existed before the change for 30 days after the postmarked date of the notice.

(4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE NOTICE REQUIREMENTS OF THIS SUBSECTION DO NOT APPLY TO THE ADDITION OF NEW GENERIC DRUGS AUTHORIZED UNDER § 12-508 OF THE HEALTH OCCUPATIONS ARTICLE.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article - Health - General

15-124.

(b) (1) (I) The Maryland Pharmacy Assistance Program shall reimburse providers for those kinds of items and services that are covered by the pharmacy program of the Maryland Medical Assistance Program.

(II) 1. However, for any drug on the Program's interchangeable drug list, the Program shall reimburse providers in an amount not more than it would reimburse for the drug's generic equivalent, unless the individual's physician states, in his or her own handwriting, on the face of the prescription, that a specific brand is "medically necessary" ~~AND INCLUDES A MEDICAL REASON WHY THE GENERIC CANNOT BE USED~~ for the particular patient.

2. IF AN APPROPRIATE GENERIC DRUG IS NOT GENERALLY AVAILABLE, THE DEPARTMENT MAY WAIVE THE REIMBURSEMENT REQUIREMENT UNDER SUB-SUBPARAGRAPH 1 OF THIS SUBPARAGRAPH.

(c) (1) [Unless] EXCEPT AS PROVIDED UNDER PARAGRAPH (4) OF THIS SUBSECTION AND UNLESS the change is made by an emergency regulation, the Maryland Pharmacy Assistance Program shall notify all pharmacies under contract with the Program in writing of changes in the Pharmaceutical Benefit Program rules or requirements at least 30 days before the change is effective.

(2) Changes that require 30 days' advance written notice under paragraph (1) of this subsection are: