

(ii) 1. 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" 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.

(2) The reimbursement shall be up to the amount paid for the same items or services under the pharmacy program of the Maryland Medical Assistance Program and shall be subject to a copayment of not more than [\$5.00 for each covered item or service]:

(I) \$2.50 FOR A GENERIC DRUG OR A BRAND NAME DRUG ON A PREFERRED DRUG LIST ESTABLISHED BY THE DEPARTMENT; AND

(II) \$7.50 FOR A BRAND NAME DRUG NOT ON A PREFERRED DRUG LIST ESTABLISHED BY THE DEPARTMENT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2003.

Approved May 13, 2003.

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## CHAPTER 345

### (House Bill 1009)

AN ACT concerning

### **Nursing Facilities - Maryland Medical Assistance Program - Payment for Reserved Beds**

FOR the purpose of altering the time period requirement governing a leave of absence from a nursing facility; repealing the requirement that the Department of Health and Mental Hygiene pay a certain amount to a nursing facility for a reserved bed; providing that a payment from the Department to a nursing facility for a reserved bed may not include payment for nursing services; providing for the application of this Act; making this Act an emergency measure; and generally relating to the Maryland Medical Assistance Program and payment for reserved beds in nursing facilities.

BY repealing and reenacting, with amendments,

Article - Health - General

Section 15-117

Annotated Code of Maryland

(2000 Replacement Volume and 2002 Supplement)