§8741. International referenced rate pricing

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Manufacturer" has the same meaning as in section 8731, subsection 3. [PL 2021, c. 606, §1 (NEW).]

B. "Prescription drug" has the same meaning as in section 8731, subsection 3-A. [PL 2021, c. 606, §1 (NEW).]

C. "Referenced rate" means the maximum rate established using the wholesale acquisition cost and other pricing data described in subsection 2, paragraph B. [PL 2021, c. 606, §1 (NEW).]

D. "Wholesale acquisition cost" has the same meaning as in section 8731, subsection 6. [PL 2021, c. 606, §1 (NEW).]

[PL 2021, c. 606, §1 (NEW).]

2. Referenced rates determined. The following provisions govern the determination of referenced rates of prescription drugs.

A. Based on the payments reported in the organization's claims database, the organization shall identify the 100 most costly prescription drugs and the 100 most frequently prescribed prescription drugs in the State, the manufacturers of those drugs and the average wholesale acquisition cost for each drug for the most current 12-month period. [PL 2021, c. 606, §1 (NEW).]

B. To the extent possible, the organization, in conjunction with the Maine Prescription Drug Affordability Board established in Title 5, section 12004-G, subsection 14-I, shall determine the referenced rate for each drug identified in paragraph A by comparing the wholesale acquisition cost to the cost in official publications of the governments of the Canadian provinces of Ontario, Quebec, British Columbia and Alberta. The referenced rate for each prescription drug must be calculated as the lowest cost among the resources described in this paragraph and the wholesale acquisition cost for the most recent 12-month period. If a specific drug identified in paragraph A is not included within the resources described in this paragraph, the organization shall use for the purpose of determining the referenced rate the ceiling price for drugs as reported in other official publications of the government of Canada. [PL 2021, c. 606, §1 (NEW).]

C. For each drug identified in paragraph A, the organization shall determine the potential savings that could be achieved by subjecting those drugs to the referenced rate as calculated pursuant to paragraph B. The savings must be determined based on the payments reported in the organization's claims database for the most current 12-month period. [PL 2021, c. 606, §1 (NEW).]

[PL 2021, c. 606, §1 (NEW).]

3. Reporting. By January 1, 2023, and annually thereafter, the organization shall produce and post on its publicly accessible website a report including the information required under subsection 2. The organization shall submit the report required by this subsection to the Office of Affordable Health Care established in Title 5, section 3122, the Maine Prescription Drug Affordability Board established in Title 5, section 12004-G, subsection 14-I and the joint standing committee of the Legislature having jurisdiction over health data reporting and prescription drug matters. The joint standing committee of the Legislature having jurisdiction over health data reporting and prescription drug matters may report out legislation based on the report to the first regular or second regular session of the Legislature, depending on the year in which the report is submitted.

[PL 2021, c. 606, §1 (NEW).]

SECTION HISTORY

PL 2021, c. 606, §1 (NEW).