§2682. Display of Maine Rx Plus Program participation information

A drug dispensed pursuant to prescription, including a drug dispensed without charge to the consumer, must be accompanied by program participation information in a manner approved by the commissioner and as permitted by law. [PL 2001, c. 471, Pt. E, §5 (AMD); PL 2001, c. 471, Pt. E, §8 (AFF).]

1. Exceptions. The requirements of this section do not apply to:

A. A drug dispensed to a consumer who has health coverage that pays part or all of the retail cost of the drug; [PL 2001, c. 379, §1 (NEW).]

B. A generic drug; or [PL 2001, c. 379, §1 (NEW).]

C. A drug of a manufacturer or labeler that has entered into an agreement with the department pursuant to section 2681, subsection 3. [PL 2001, c. 379, §1 (NEW).]

[PL 2001, c. 379, §1 (NEW).]

2. Rulemaking. The commissioner shall adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter II-A.
[PL 2001, c. 379, §1 (NEW).]

3. Program participation information.
[PL 2001, c. 471, Pt. E, §6 (RP); PL 2001, c. 471, Pt. E, §8 (AFF).]

3-A. Program participation information. The rules must provide for the disclosure of program participation information, including, but not limited to, the following:

A. Notification that the manufacturer or labeler has not entered into an agreement with the Department of Health and Human Services pursuant to section 2681, subsection 3; and [PL 2001, c. 471, Pt. E, §7 (NEW); PL 2001, c. 471, Pt. E, §8 (AFF); PL 2003, c. 689, Pt. B, §6 (REV).]

B. Advice to consult a health care provider or pharmacist about access to drugs at lower prices. [PL 2001, c. 471, Pt. E, §7 (NEW); PL 2001, c. 471, Pt. E, §8 (AFF).]

[PL 2001, c. 471, Pt. E, §7 (NEW); PL 2001, c. 471, Pt. E, §8 (AFF); PL 2003, c. 689, Pt. B, §6 (REV).]

4. Separate writing. The requirements of this section may be met by the distribution of a separate writing that is approved by or produced and distributed by the department.
[PL 2001, c. 379, §1 (NEW).]

5. Waivers. The rules must provide for waivers to the requirements of this section, particularly when the manufacturer or labeler is negotiating with the commissioner pursuant to section 2681, subsection 3.
[PL 2001, c. 379, §1 (NEW).]

SECTION HISTORY

PL 2001, c. 379, §1 (NEW). PL 2001, c. 471, §§E5-7 (AMD). PL 2001, c. 471, §E8 (AFF). PL 2003, c. 494, §9 (AMD). PL 2003, c. 689, §B6 (REV).