

MEDCHI, THE MARYLAND STATE MEDICAL SOCIETY  
HOUSE OF DELEGATES

Resolution 25-18

INTRODUCED BY: Montgomery County Medical Society

SUBJECT: Legislation Prohibiting Non-Medical Switching of Prescription Drugs

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1 Whereas, consumers who purchase health insurance may select a plan based on its stated  
2 prescription drug benefit coverage; and

3 Whereas, consumers presume the stated prescription drug benefit coverage will remain consistent  
4 through the duration of the plan year; and

5 Whereas, health plans have removed the medications from the prescription drug benefit mid-year  
6 or moved the prescription drug to a higher-cost tier mid-year; and

7 Whereas, forcing patients mid-year to different medications other than the medication prescribed  
8 by their physician is a harmful practice that can result in non-adherence; and

9 Whereas, in 2018, six states (CT, FL, NY, IL, PA, WA) introduced legislation prohibiting  
10 mid-year non-medical switching; therefore be it

11 Resolved, that MedChi propose legislation prohibiting health insurance plans from providing  
12 insurance coverage for prescription drugs that removes a covered prescription drug from its list of  
13 covered drugs mid-year, unless the United States Food and Drug Administration (FDA) has issued  
14 a statement about the drug that questions the clinical safety of the drug, or the manufacturer of the  
15 drug has notified the FDA of a manufacturing discontinuance or potential discontinuance of the  
16 drug; and be it further

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18 Resolved, that MedChi propose legislation that would prohibit a health plan from reclassifying a  
19 drug mid-year to a more restrictive drug tier or move a drug to a higher cost-sharing tier or a tier  
20 with a larger deductible, copayment or coinsurance, unless a generic equivalent becomes  
21 available.

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24 As amended and adopted by the House of Delegates at its meeting on September 22, 2018.