90-590 Maine Health Data Organization

**Planning for November 21, 2019 Public Hearing**

Proposed Rule Summary of Changes and Basis Statement  
Chapter 10: Determination of Assessments

*(Routine Technical)*

Chapter 10 identifies the health care providers, health insurance entities, carriers that provide only administrative services for a plan sponsor, third-party administrators, prescription drug manufacturers, wholesale drug distributors and pharmacy benefits managers required to pay annual assessments for the operational costs of the Maine Health Data Organization (MHDO). This Chapter also establishes the process for determining the individual assessments for each entity and the time frame for payment.

The proposed changes summarized below (exception the non-substantive changes) are a result of the new requirements defined in PL 2019, c470. “An Act to Further Expand Drug Price Transparency.”

The MHDO Board met on May 23, 2019 and authorized the MHDO to initiate rulemaking to Chapter 10, as required under 22 M.R.S. §8704, sub-§1, §8705-A and §8706, sub-§2.

The changes to Chapter 10 are the following:

* 1. Added prescription drug manufacturers, wholesale drug distributors and pharmacy benefits managers to the list of assessable entities, per §8704, sub-§4. (Summary, page 1)
  2. Added definitions for prescription drug manufacturers and wholesale drug distributors (pages 2, 3); added PBM as the abbreviation for pharmacy benefits manager, per §8704, sub-§4. (Definitions, page 2)
  3. Removed the Non-Hospital Health Care Facility Category Assessment for Retail Store Drug Outlets. This assessment ceased in 2010/2011. (Section 2B, page 4)
  4. Added an annual, flat-fee assessment of $500 for prescription drug manufacturers, wholesale drug distributors and PBMs, per §8706, sub-§2C(4). (Section 2F, page 5)
  5. Clarified the process through which the MHDO gathers financial information from payers for the determination of the annual assessment and how the organization requests payment. (Sections 3A-C, pages 5 and 6)
  6. Corrections (pages 1-3, 5, 6)