

# Title 14

## INDEPENDENT AGENCIES

### Subtitle 01 – Prescription Drug Affordability Board

#### Chapter .07 Upper Payment Limit.

Authority: Health-General Article, §§ 21-2C-03(f)(1), 21-2C-08(b), 21-2C-09, 21-2C-14, 21-2C-16, Annotated Code of Maryland

##### **.01 Upper Payment Limit for Farxiga (dapagliflozin).**

###### A. Upper Payment Limit and Effective Date.

- (1) The Board establishes an upper payment limit (UPL) for Farxiga (dapagliflozin) set at:
  - (a) \$6.15 per unit (pill); or
  - (b) \$184.50 per 30-day supply.
- (2) This upper payment limit applies to payments for drugs dispensed, administered, or purchased on or after January 1, 2027.

- (3) An eligible governmental entity shall comply with this upper payment limit as specified in COMAR 14.01.06.03C,
- (4) The Board shall publish a list of NDCs subject to this UPL on its website.

###### B. Inflation Adjustment

- (1) Beginning January 1, 2028, Board staff shall adjust the Farxiga UPL each year to account for inflation.
- (2) Board staff shall calculate the inflation-adjusted UPL by multiplying the baseline UPL by the percentage change in CPI-U for the time period running from 18 months before the UPL went into effect to 18 months before the year in which the new UPL is implemented;
- (3) The Board establishes a Baseline UPL for calendar year 2026 for Farxiga set at:
  - (a) \$5.95 per unit (pill); or
  - (b) \$ 178.50 per 30-day supply.
- (4) For a UPL that is implemented in a subsequent year (after the baseline), staff calculates the UPL by:
  - (a) Utilizing the Baseline per pill UPL;
  - (b) Changing that number by the percentage change in the consumer price index for all urban consumers (CPI-U) for the time period running from 18 months before the baseline UPL went into effect to 18 months before the year in which the UPL is implemented; and
  - (c) Rounding this number up to the nearest five cents.
- (5) Board staff shall not adjust a UPL if the adjustment would violate the criteria for setting an upper payment limit set forth in COMAR 14.01.05.02D.
- (6) Board staff shall post the inflation-adjusted UPL on the Board website by July 1, for implementation in the next calendar year.

##### **.02 Upper Payment Limit for Jardiance (empagliflozin).**

###### A. Upper Payment Limit and Effective Date.

- (1) The Board establishes an upper payment limit (UPL) for Jardiance (empagliflozin) set at:
  - (a) \$6.80 per unit (pill); or
  - (b) \$204 per 30-day supply.
- (2) This upper payment limit applies to payments for drugs dispensed, administered, or purchased on or after January 1, 2027.

- (3) An eligible governmental entity shall comply with this upper payment limit as specified in COMAR 14.01.06.03C,
- (4) The Board shall publish a list of NDCs subject to this UPL on its website.

###### B. Inflation Adjustment

- (1) Beginning January 1, 2028, Board staff shall adjust the Jardiance UPL each year to account for inflation.
- (2) Board staff shall calculate the inflation-adjusted UPL by multiplying the baseline UPL by the percentage change in CPI-U for the time period running from 18 months before the UPL went into effect to 18 months before the year in which the new UPL is implemented;
- (3) The Board establishes a Baseline UPL for calendar year 2026 for Jardiance set at:
  - (a) \$6.60 per unit (pill); or
  - (b) \$ 198.00 per 30-day supply.
- (4) For a UPL that is implemented in a subsequent year (after the baseline), staff calculates the UPL by:
  - (a) Utilizing the Baseline per pill UPL;
  - (b) Changing that number by the percentage change in the consumer price index for all urban consumers (CPI-U) for the time period running from 18 months before the baseline UPL went into effect to 18 months before the year in which the UPL is implemented; and
  - (c) Rounding this number up to the nearest five cents.

(5) Board staff shall not adjust a UPL if the adjustment would violate the criteria for setting an upper payment limit set forth in COMAR 14.01.05.02D.

(6) Board staff shall post the inflation-adjusted UPL on the Board website by July 1, for implementation in the next calendar year.