# 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-14, 21-2C-16, Annotated Code of Maryland

**.01 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) $204.00 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.

C. Automatic Suspension.

(1) By operation of law, the UPL established in §§A and B of this Regulation shall be automatically suspended for the time that the prescription drug product is identified by the federal Food and Drug Administration as “currently in shortage” on the prescription drug shortage list.

(2) Board staff shall post notice of the automatic suspension on the Board website.

(3) The suspension shall be automatically lifted when the prescription drug product is identified as “resolved” by the federal Food and Drug Administration on the prescription drug shortage list.

(4) Board staff shall post notice of the lifting of the automatic suspension on the Board website.

(5) The automatic suspension and lifting of the suspension provided for in §§C(1) and (3) of this Regulation are self-executing.