

UPL Implementation- Monitoring for Access and Affordability

PDASC Meeting

August 24, 2026

PDAB Staff



Purpose

- The PDAB would like feedback and input concerning:
 - How to best monitor the impact of UPLs, and other policy actions, in key areas including
 - prescription drug affordability and access to hospital services; and
 - the ability of hospitals to obtain drugs from manufacturers and suppliers at costs consistent with policy actions; and
 - Key considerations for the PDAB to address when implementing UPLs.



Regulations Pertaining to the Policy Review Process

COMAR 14.01.05

05- Policy Review, Final Action, Upper Payment Limits Authority

- .01 Definitions
- .02 Criteria for Setting and Upper Payment Limit
- .03 Policy Review and Final Action Process Overview
- .04 Policy Review–Information Gathering
- .05 Policy Review–Preliminary Policy Recommendations
- .06 Policy Review–Process for Establishing a UPL
- .07 Policy Review–Final Policy Action
- .08 **Establishing and Monitoring a UPL**
- .09 Reconsideration



UPL Action Plan, COMAR 14.01.05.08-.09

Establishing a UPL - the regulation shall set a specified UPL for specified Eligible Governmental Entities, and a prospective effective date that provides sufficient time for implementation. The Board and staff shall work with Eligible Governmental Entities to develop the best method for implementing the UPL for the entity. The final net ingredient cost paid by the Eligible Governmental Entities shall not exceed the UPL established by the Board.

Monitoring, Suspending and Rescinding a UPL - The Board shall develop a program for monitoring the availability of any prescription drug product for which it sets a UPL. If monitoring discloses a shortage of the prescription drug product in the State, the Board may suspend or modify the UPL. When enacting a UPL by regulation, the Board shall provide for the automatic suspension of the UPL for the time that the prescription drug product is on the federal Food and Drug Administration prescription drug shortage list.



Policy Actions

To date, the Board has explored several policy options to address drug affordability challenges:

WAC Inflation Penalty

PBM Reimbursement- Delinking or Flat Fee

Navigator Program

GLP-1 Study

Bulk/Purchasing Subscription Model

Plan Design and PBM Reform Study

State Participation in CMMI Models: Balance and GENEROUS



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Questions for the Stakeholder Council- Patient Access

- How can UPLs be implemented to maximize patient access to the medication?
- What data should the Board monitor to identify and protect against potential patient access disruptions or adverse market impacts?



Questions for the Stakeholder Council- Pharmacy, Hospital, and Provider Access

- How will UPL or Non-UPL policies affect prescription drug affordability and access to hospital services in the State?
- Will UPL or Non-UPL policies affect the ability of hospitals and other providers to obtain drugs from manufacturers and suppliers at costs consistent with policy actions?
- How could the Upper Payment Limit impact providers of 340B Drugs?



Questions for the Stakeholder Council- Data for Monitoring

- What may be monitored using public information or data from eligible governmental entities, and how might other necessary data be collected by the Board?
- What data may be consulted to verify that a UPL is having its intended effect?



Questions for the Stakeholder Council- Monitoring for Unintended Consequences

- In addition to an FDA shortage designation, what and how should the Board monitor for shortages or barriers to access to a prescription drug product in the state?
- How can the Board best monitor for potential adverse effects when implementing a UPL?
- What should the Board consider when evaluating whether to suspend a UPL? Should any additional automatic suspension factors be considered?
- Are there any other implementation and monitoring considerations missing from these lists?





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