# 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

**.02 Upper Payment Limit for Ozempic (semaglutide).**

A. Upper Payment Limit and Effective Date.

(1) The Board establishes an upper payment limit (UPL) for Ozempic (semaglutide), New Drug Application number 209637, set at $274.00 per 30-day supply.

(2) Board staff shall calculate the NDC-level per-unit UPL and post the per-unit UPL on the Board website.

(3) This upper payment limit applies to [[payments for drugs dispensed, administered, or purchased on or after January 1, 2027.]] *purchases and payor reimbursements by or on behalf of an Eligible Governmental Entity in accordance with the implementation timelines established in COMAR 14.01.06, and may be applied voluntarily by an Eligible Governmental Entity beginning January 1, 2027.*

(4) An eligible governmental entity shall comply with this upper payment limit as specified in COMAR 14.01.06.03C.

B. Inflation Adjustment.

(1) Beginning January 1, 2028, Board staff shall adjust the Ozempic 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 2027 for Ozempic set at $ 274.00 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 UPL per 30-day supply;

(b) Adjusting that amount by the percentage change in the consumer price index for all urban consumers (CPIU) 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 violates 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.

(7) Board staff shall calculate the NDC-level inflation-adjusted per-unit UPL and post the per-unit UPL on the Board website.

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.