

ENGROSSED HOUSE
BILL NO. 1614

BY: SEIKEL of the HOUSE
and
CAIN of the SENATE

AN ACT RELATING TO POOR PERSONS; AMENDING 56 O.S.
1981, SECTION 204, AS LAST AMENDED BY SECTION 1,
CHAPTER 256, O.S.L. 1990 (56 O.S. SUPP. 1990,
SECTION 204), WHICH RELATES TO VENDOR DRUG PROGRAM;
MODIFYING DRUG FORMULARY; ADDING CERTAIN
RESTRICTIONS; PROVIDING AN EFFECTIVE DATE; AND
DECLARING AN EMERGENCY.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 56 O.S. 1981, Section 204, as last amended by Section 1, Chapter 256, O.S.L. 1990 (56 O.S. Supp. 1990, Section 204), is amended to read as follows:

Section 204. A. The Department of Human Services shall be authorized and directed to establish a vendor drug program to provide any drugs that have been approved and designated as safe and effective by the federal Food and Drug Administration, and that are prescribed by a licensed medical, dental, podiatric or osteopathic practitioner for eligible recipients of assistance payments suffering from painful or life-endangering diseases or other persons who are suffering from a catastrophic illness.

B. The Department shall not establish a drug formulary that restricts by any prior or retroactive approval process a physician's

ability to treat a patient with a prescription drug that, in his professional judgment and within the lawful scope of his practice, he considers appropriate for the diagnosis and treatment of the patient. Provided that, in accordance with federal law, the Department shall not be obligated to cover any outpatient drugs of a manufacturer which has not entered into or have in effect a rebate agreement with the Secretary of Health and Human Services on behalf of the state.

C. For purposes of this section, "drug formulary" ~~shall mean~~ means a list of prescription drugs;

~~B.~~ D. Such program shall, to the fullest extent possible, be established and maintained in conjunction with existing federal programs of prescribed drugs so as to earn the maximum of federal financial participation. Provided, that said drugs are to be dispensed through a licensed retail pharmacy. Drugs used for cosmetic purposes, anorexic drugs and nonprescription drugs may be exempt from the provisions of this section, however, the Department shall be authorized to include these categories for reimbursement based upon specific medical need.

SECTION 2. This act shall become effective July 1, 1991.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 6th day of March, 1991.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1991.

President of the Senate