

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 350

BY: WEEDN

AS INTRODUCED

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 HOSPITALIZATION AND MEDICAL CARE; ESTABLISHING CERTAIN LIMIT ON PRESCRIPTION DRUGS FOR CERTAIN PERSONS; AND PROVIDING AN EFFECTIVE DATE.

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. 1. 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 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.

2. The limit established by the Department on the number of prescription drugs provided to eligible recipients of assistance

payments suffering from painful or life-endangering diseases or other persons who are suffering from a catastrophic illness shall be five (5) per month.

3. 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. For purposes of this section, "drug formulary" shall mean a list of prescription drugs.

B. 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 September 1, 1991.

43-1-183

CJ