

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1552

By: Reese

AS INTRODUCED

An Act relating to poor persons; amending 56 O.S.

1991, Section 204, which relates to Vendor Drug Program; adding to list of drugs not under program; providing for maintenance and dispensing of certain prescription drugs in unit doses; providing conditions; authorizing credit for return of certain drugs; defining term; providing for codification; 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. 1991, Section 204, is amended to read as follows:

Section 204. A. ~~The~~ Except as otherwise provided by this section, 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~~ Except as otherwise provided by this section, 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" means a list of prescription drugs.

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. Exempt from the provisions of this section are:

1. Drugs used for cosmetic purposes, anorexic drugs and nonprescription drugs ~~may be exempt from the provisions of this section, however~~ provided, the Department shall be authorized to include these categories for reimbursement based upon specific medical need;

2. Drugs or classes of drugs which may be excluded from coverage in the state programs pursuant to Section (d)(2) of the federal Omnibus Budget Reconciliation Act of 1990, except for agents used to promote smoking cessation.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1918.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. Upon filling a prescription for a resident of a nursing facility, a pharmacist shall package the prescribed drug or purchase

the prescribed drug in unit doses; provided the federal Food and Drug Administration has approved the dispensing of the drug in unit doses.

B. Pursuant to the provisions of this section, the Oklahoma Board of Pharmacy shall by regulation authorize the return of any type or brand of drug packaged in unit doses. Unit doses packed in ampules or vials may be returned to the pharmacy which dispensed such unit doses pursuant to subsection C of this section.

C. A pharmacist who provides a regimen of drugs in unit doses to a patient in a nursing facility may credit the person or agency which paid for the drug for any unused doses. The pharmacist may return the drugs to the issuing pharmacy, which may reissue the drugs to fill other prescriptions. A unit dose is reimbursable only when dispensed to a resident of a nursing facility.

D. For purposes of this section:

1. " Unit dose" means a sealed container packaged by a registered drug manufacturer or a person registered to repackage drugs, with a unit of use medication that bears the name of the drug, expiration date, control number, the name and address of the manufacturer or person registered to repackage drugs and the name of the pharmacy dispensing the drug; and

2. "Nursing facility" means a facility as defined by Section 1-1902 of Title 63 of the Oklahoma Statutes.

SECTION 3. This act shall become effective July 1, 1993.

SECTION 4. 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.