

ENGROSSED HOUSE
BILL NO. 2605

By: Kirby, Covey,
Deutschendorf, Easley,
Braddock, Walker, Miller
(Ray) and Roan of the House

and

Henry of the Senate

(prescription drugs - Oklahoma Health Care
Authority - discount program - Oklahoma
Pharmacy Connection Program - codification -
effective date)

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 5011.2 of Title 63, unless there
is created a duplication in numbering, reads as follows:

A. As authorized by federal law or waiver, the Oklahoma Health
Care Authority shall establish a prescription drug discount program
for eligible Medicare beneficiaries.

1. The Health Care Authority shall request any federal waiver
necessary to implement the program.

2. A Medicare beneficiary whose annual household income is at
or below one hundred seventy-five percent (175%) of the federal
poverty guidelines and who does not otherwise have prescription drug
benefits shall be eligible for the program.

B. The prescription drug discount program shall authorize, at
minimum, that Medicare beneficiaries enrolled in the program shall
be able to purchase prescription drugs at the Medicaid price at all
pharmacies in the state that participate in the state Medicaid
program.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1010.21 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. This act shall be known and may be cited as the "Oklahoma Pharmacy Connection Program".

B. Initial implementation of the program shall target senior citizens and shall utilize the existing toll-free telephone number for senior citizen services.

C. The purpose of the Oklahoma Pharmacy Connection Program shall be to improve access to prescription drugs for citizens who have no or inadequate health insurance or other resources for the purchase of medically necessary prescription drugs by:

1. Providing a clearinghouse to assist citizens of this state to access manufacture-sponsored prescription drug assistance programs for which they are or may be eligible;

2. Disseminating information about and advertising the program that will assist citizens with prescription drugs at a lower cost;

3. Assisting citizens with assessing pharmaceutical discount or insurance programs that may be of benefit to them;

4. Serving as a resource for pharmaceutical benefit issues; and

5. Implementing additional strategies to assist citizens to access prescription drugs as appropriate.

D. For the purposes of the Oklahoma Pharmacy Connection Act, "manufacture-sponsored prescription drug assistance program" means a program offered by a pharmaceutical company through which the company provides a drug or drugs to eligible persons at no charge or at substantially reduced cost. The term does not include the provision of a drug as part of a clinical trial.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1010.22 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. The Department of Human Services shall establish a program through which health care providers and members of the public can obtain information about manufacture-sponsored prescription drug assistance programs and shall provide the information to pharmacies, physicians and other appropriate health care providers, and to the general public. The Department shall ensure that the program has staff available who can, at minimum:

1. Determine whether a pharmaceutical program is offered for the drug or drugs;

2. Determine whether a person is eligible for assistance through a pharmaceutical program; and

3. Assist a person to make application to and enroll in a pharmaceutical assistance program.

B. Initial implementation of the program shall target senior citizens and shall utilize the existing toll-free telephone number for senior citizen services.

C. The Department shall implement additional strategies, subject to available resources and the recommendations of the Oklahoma Pharmacy Connection Council, to improve access to prescription drugs for citizens who have no or inadequate health insurance or other resources for the purchase of medically necessary prescription drugs.

D. The Department may apply for and accept grants or gifts and may enter into contracts with other state agencies or private organizations to assist with the implementation of the Pharmacy Connection Program; including but not limited to contracts, gifts or grants from pharmaceutical manufacturers to assist with the direct costs of the program, and take such other action as necessary and appropriate to accomplish the purposes of and implement the provisions of the Oklahoma Pharmacy Connection Act.

E. The Department of Human Services shall notify pharmaceutical companies doing business in Oklahoma of the Oklahoma Pharmacy

Connection Program, and every pharmaceutical company that does business in this state and that offers a pharmaceutical assistance program shall notify the Department of Human Services of the existence of the program, the drugs covered by the program, and all information necessary for application for assistance through the program.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1010.23 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Oklahoma Pharmacy Connection Council. The Council shall be composed of seventeen (17) members as follows:

1. The Director or Commissioner, as appropriate, or their designee, of the following state agencies:

- a. Department of Human Services,
- b. Oklahoma Health Care Authority,
- c. State Department of Health,
- d. Department of Mental Health and Substance Abuse Services,
- e. Insurance Department,
- f. Office of Handicapped Concerns, and
- g. Department of Rehabilitation;

2. A representative of each of the following organizations or entities, appointed by the governing body of the organization:

- a. Oklahoma Council on Aging,
- b. Oklahoma Developmental Disabilities Council,
- c. Primary Care Association,
- d. Oklahoma Association of Agencies on Aging,
- e. Oklahoma Pharmacy Association,
- f. Pharmaceutical Research and Manufacturers of America,
- g. University of Oklahoma, College of Pharmacy,
- h. University of Oklahoma, College of Public Health,

- i. National Alliance for the Mentally Ill,
- j. Oklahoma Medical Association, and
- k. Oklahoma Osteopathic Association.

B. 1. The Director of the Department of Human Services shall convene the first meeting of the Pharmacy Connection Council on or before December 1, 2002. The Council shall meet at least quarterly, and may meet more often.

2. At its first meeting, the Council shall elect a chair and vice-chair, and shall elect officers annually thereafter.

3. The members of the Council shall serve without compensation but may be reimbursed in accordance with the State Travel Reimbursement Act.

4. The Department of Human Services shall provide staff support and assistance to the Council. All agencies of the state shall provide the Council with information and assistance upon the request of the Council.

C. The Oklahoma Pharmacy Connection Council shall assist the Department of Human Services and make recommendations regarding the implementation of the Oklahoma Pharmacy Connection Act including but not limited to:

1. Study and recommendations regarding the feasibility of implementing a computer software program that would link eligible persons with appropriate manufacture-sponsored prescription drug assistance programs;

2. Review and assessment of pharmaceutical discount or insurance programs;

3. Monitoring and evaluation of the program, including but not limited to the number of individuals served, length and types of service provided, any other measurable data to assess the effectiveness of the program, and recommendations for the improvement of the program; and

4. Identification and recommendations regarding additional strategies to improve access to prescription drugs for citizens who have no or inadequate health insurance or other resources for the purchase of prescription drugs.

D. On or before December 1 of each year, the Council shall make a report to the Governor, the Speaker of the Oklahoma House of Representatives, the President Pro Tempore of the State Senate, and the chairpersons of the appropriate legislative committees as to the progress towards implementation of the program, its effectiveness, and any recommendations for further implementation. A copy of the report shall be posted on the website of the Aging Services Division of the Department of Human Services.

SECTION 5. This act shall become effective November 1, 2002.

Passed the House of Representatives the 19th day of March, 2002.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2002.

Presiding Officer of the Senate