

ENROLLED HOUSE
BILL NO. 2605

By: Kirby, Covey, Deutschendorf,
Easley, Braddock, Walker, Miller
(Ray), Roan, Gilbert, Bengel,
Ericson, Jones, Pettigrew,
Steele, Stites (Chad), Tibbs and
Worthen of the House

and

Henry and Shurden of the Senate

An Act relating to prescription drugs; creating the Oklahoma Pharmacy Connection Program; providing short title; stating purpose; defining term; directing the Department of Human Services to establish certain manufacturer-sponsored prescription drug assistance program; providing for content of program; making certain authorizations; requiring certain notifications and directing certain pharmaceutical companies to provide certain information; creating the Oklahoma Pharmacy Connection Council; providing for membership, meetings, officers and travel reimbursement; stating duties of the Council; requiring certain reports; providing for codification; and declaring an emergency.

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 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 Senior Info-Line 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 manufacturer-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 purchasing prescription drugs at a lower cost;

3. Assisting citizens with accessing 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 Program, "manufacturer-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 a substantially reduced cost. The term does not include the provision of a drug as part of a clinical trial.

SECTION 2. 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 manufacturer-sponsored prescription drug assistance programs and shall provide such 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 a 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 Senior Info-Line 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 Oklahoma 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 Program.

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

Connection Program. Any 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 to apply for assistance under the program.

SECTION 3. 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, which shall be composed of twenty (20) members as follows:

1. From the following state agencies:

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

2. Two members who shall each represent one of the following state councils, appointed by the governing body of the respective councils:

- a. Oklahoma Council on Aging, and
- b. Oklahoma Developmental Disabilities Council;

3. Two members who shall each represent one of the following colleges within the University of Oklahoma, appointed by the deans of the respective colleges:

- a. College of Pharmacy, and
- b. College of Public Health;

4. Six members, appointed by the governing body of the respective organizations, who shall each represent one of the following statewide organizations or associations composed of:

- a. primary care physicians,
- b. agencies on aging,

- c. pharmacists,
- d. allopathic physicians,
- e. osteopathic physicians, and
- f. volunteer health clinics; and

5. Three members, appointed by the governing body of the respective organizations, who shall each represent one of the following national organizations, associations or alliance or state chapter of a national organization, association or alliance representing:

- a. pharmaceutical researchers and manufacturers,
- b. mentally ill persons, and
- c. retired persons.

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

2. The Director of the Department of Human Services, or designee, and the representative of the Oklahoma Pharmacists Association shall serve as cochairs of the Council.

3. The members of the Council shall serve without compensation but may be reimbursed in accordance with the provisions of 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 Program including, but not limited to:

1. The feasibility of implementing a computer software program that would link eligible persons with appropriate manufacturer-sponsored prescription drug assistance programs;

2. A review and assessment of pharmaceutical discount or insurance programs;

3. Monitoring and evaluation of the program including, but not limited to:

- a. the number of individuals served,
- b. length and types of service provided,
- c. any other measurable data to assess the effectiveness of the program, and

d. recommendations for improving the program;

4. 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; and

5. Coordination with other public and private entities in efforts to assist eligible citizens to obtain needed 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 Oklahoma 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 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.

Passed the House of Representatives the 20th day of May, 2002.

Presiding Officer of the House of
Representatives

Passed the Senate the 22nd day of May, 2002.

Presiding Officer of the Senate