

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

HOUSE BILL HB2094

By: Gilbert

AS INTRODUCED

An Act relating to public health; amending 63 O.S. 2001, Section 1-1918.2, which relates to the Utilization of Unused Prescription Medications Act; adding exemption from certain liability for nursing facilities; directing the Oklahoma Health Care Authority to establish certain pharmaceutical assistance program; providing for content of program; directing certain pharmaceutical companies to provide certain information; defining term; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2001, Section 1-1918.2, is amended to read as follows:

Section 1918.2 A. This section shall be known and may be cited as the "Utilization of Unused Prescription Medications Act".

B. The State Board of Health, the Oklahoma Board of Pharmacy and the Oklahoma Health Care Authority shall jointly develop and implement a pilot program consistent with public health and safety through which unused prescription drugs, other than prescription drugs defined as controlled dangerous substances by Section 2-101 of ~~Title 63 of the Oklahoma Statutes~~ this title, may be transferred from nursing facilities to pharmacies operated by city-county health departments or county pharmacies for the purpose of distributing the medication to Oklahoma residents who are medically indigent.

C. The State Board of Health, the Oklahoma Board of Pharmacy, the Oklahoma Health Care Authority, the State Board of Medical Licensure and Supervision, and the State Board of Osteopathic Examiners shall review and evaluate the program no later than

eighteen (18) months after its implementation and shall submit a report and any recommendations to the Governor, the Speaker of the Oklahoma House of Representatives, the President Pro Tempore of the State Senate, and the Chairs of the appropriate legislative committees.

D. The State Board of Health, the Oklahoma Board of Pharmacy and the Oklahoma Health Care Authority shall promulgate rules and establish procedures necessary to implement the program established by this section. The rules and procedures shall provide:

1. For a formulary for the medications to be distributed pursuant to the program;
2. For the protection of the privacy of the individual for whom the medication was originally prescribed;
3. For the integrity and safe storage and safe transfer of the medication, which may include but shall not be limited to limiting the drugs made available through the program to those that were originally dispensed by unit dose or an individually sealed dose or which remain in intact packaging;
4. For the tracking of and accountability for the medications; and
5. For other matters necessary for the implementation of the program.

E. In accordance with the rules and procedures of a program established pursuant to this section, the resident of a nursing facility, or the representative or guardian of a resident may donate unused prescription medications, other than prescription drugs defined as controlled dangerous substances by Section 2-101 of ~~Title 63 of the Oklahoma Statutes~~ this title, for dispensation to medically indigent persons.

F. Physicians, pharmacists ~~and~~, other health care professionals, and nursing facilities shall not be subject to liability for participation in the program established by this act

when acting within the scope of practice of their license and in good faith compliance with the rules promulgated pursuant to the Utilization of Unused Prescription Medications Act.

G. For purposes of this section, "medically indigent" means a person who has no health insurance or who otherwise lacks reasonable means to purchase prescribed medications.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5041 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Health Care Authority shall establish a program through which members of the public can obtain information about pharmaceutical assistance programs through the use of a toll-free telephone number, and shall publicize the number to pharmacies, physicians, and other appropriate health care providers, and to the general public. The Authority shall ensure that the toll-free number is staffed at least during normal business hours by persons who can, at minimum:

1. Determine whether a pharmaceutical program is offered for the drug or drugs;
2. Determine whether the person is eligible for assistance through a pharmaceutical program; and
3. Assist a person to make application to a pharmaceutical assistance program.

B. Every pharmaceutical company that does business in this state and that offers a pharmaceutical assistance program shall notify the Health Care Authority of the existence of the program, the drugs covered by the program, and all information necessary for application for assistance through the program.

C. For the purposes of this section, "pharmaceutical 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. This act shall become effective November 1, 2002.

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