

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

SENATE BILL 1468

By: Maddox

AS INTRODUCED

An Act relating to the elderly and disabled; creating the Healthy Oklahoman Prescription Benefit Program Act; providing short title; stating intent; requiring the Oklahoma Health Care Authority to develop a pharmacy benefit program; stating guidelines; providing eligibility criteria; allowing certain co-payments; requiring the Oklahoma Health Care Authority to request a waiver; providing condition before the program may be implemented; requiring the Oklahoma Health Care Authority to implement and administer the program; stating how application may be made; providing for codification; providing an effective date; 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 4001 of Title 56, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Healthy Oklahoman Prescription Benefit Program Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4002 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. Pharmaceutical costs have greatly increased over the last decade and continue to rise. Such costs have become a great burden for persons on fixed incomes and with limited means. Access to necessary prescription drugs has become increasingly difficult for elderly and disabled Oklahomans who do not qualify for other assistance. It is the intent of the Legislature to expand the Medicaid pharmaceutical benefits to certain elderly and disabled Oklahomans who are otherwise ineligible for full Medicaid benefits.

B. On or before January 1, 2003, the Oklahoma Health Care Authority shall develop a pharmacy benefit program for elderly and disabled persons. Such plan shall be developed taking into consideration the following guidelines:

1. To be eligible to participate a person must be an Oklahoma resident, not otherwise eligible to participate in an Oklahoma Medicaid pharmaceutical benefit program, must be at least sixty-five (65) years of age, or twenty-one (21) years of age or older and disabled according to the standards of Social Security, and must have a household income of less than 185% of the federal poverty level for such person's household size; and

2. Mandatory co-payments may be established, not to exceed twenty-five percent (25%) of the cost of the prescription, and such co-payments may exceed any co-payment for eligible persons participating in the Medicaid program.

C. The Oklahoma Health Care Authority shall make a request for an appropriate waiver as needed from the Centers for Medicare and Medicaid Services (CMS) in order to develop the pharmacy benefit program pursuant to this act. The program shall not be implemented unless the waiver has been approved and funding has been provided.

D. Upon approval by the CMS, the Oklahoma Health Care Authority shall implement and administer the program. Applications to participate in the program shall be made either at a Medicaid participating pharmacy or at a county Department of Human Services office.

SECTION 3. This act shall become effective July 1, 2002.

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.