

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 547

By: Adelson, Lawler, Paddack,
Rabon, Leftwich and Easley
of the Senate

and

Shelton and Steele of the
House

COMMITTEE SUBSTITUTE

An Act relating to professions and occupations; creating the Oklahoma Prescription Drug Discount Program Act of 2005; stating legislative intent; authorizing certain contracts with the Oklahoma Health Care Authority; providing for certain program requirements; providing for certain agreements; providing for certain negotiations; providing for certain fees; requiring certain records be made public; providing certain preferences; requiring certain reports; 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 368 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. 1. This act shall be known and may be cited as the "Oklahoma Prescription Drug Discount Program Act of 2005".

2. Recognizing that many Oklahomans do not have health insurance coverage for prescription drugs, the Oklahoma Legislature hereby establishes provisions to increase access to prescription drugs for low-income Oklahomans.

B. The Oklahoma Health Care Authority shall contract with a pharmacy benefit manager for the administration of a prescription drug discount program that shall:

1. Enable persons without prescription drug coverage to be linked to appropriate manufacturer-sponsored prescription drug programs via the use of implementation of computer software;

2. Establish agreements with prescription drug manufacturers that outline available discounts and drugs, and in which prescription drug manufacturers agree to allow the pharmacy benefit manager contracted by the Oklahoma Health Care Authority to be the means-testing agent for their program;

3. Negotiate prescription drug discounts with manufacturers and pharmacy networks and implement a "one-stop" Oklahoma Prescription Drug Discount program for uninsured seniors and families and pass on to the consumer any achieved discounts;

4. Enroll persons in a prescription drug discount card program using specialized computer software that will allow the consumer to have access via a single application process to all participating prescription drug manufacturer discount programs;

5. Include outreach and advertising of the program in order to provide access to the program to potential consumers who do not have access to prescription drug coverage;

6. Charge a basic enrollment fee to cover the administrative costs of the program; provided, however, this provision shall not apply to an applicant whose income is less than one hundred fifty percent (150%) of the Federal Poverty Level;

7. Maintain as public records any negotiations that occur between the Authority and the pharmacy benefit manager, the insurance company or a pharmaceutical company which shall be subject to the Oklahoma Open Records Act; and

8. Give preference to pharmacy benefit managers located in Oklahoma over pharmacy benefit managers located outside of Oklahoma.

C. Beginning January 1, 2006, and on or before January 1 each year thereafter, the Oklahoma Health Care Authority shall prepare a report to be distributed to the Speaker of the Oklahoma House of

Representatives, the President Pro Tempore of the State Senate and the Governor that shall include, but not be limited to, the agreements made with prescription drug manufacturers, discounts achieved via contracts with pharmacy benefit managers, the number of persons served by the Oklahoma Prescription Drug Discount Program Act of 2005, and any recommendations for program improvements.

SECTION 2. This act shall become effective July 1, 2005.

SECTION 3. 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.

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