

ENROLLED HOUSE  
BILL NO. 1853

By: Steele, Balkman, Shelton, Hickman,  
Jackson, Cox, Sherrer, Adkins, Auffet,  
Brannon, Cooksey, DePue, DeWitt,  
Duncan, Hilliard, Kern, Kiesel,  
Martin, McMullen, Morrisette, Nance,  
Nations, Peterson (Ron), Smithson,  
Terrill, Thompson, Armes, Banz, Billy,  
Coody, Dank, Denney, Jones, Liebmann,  
Miller (Doug), Miller (Ken), Smaligo,  
Tibbs, Trebilcock, Wesselhoft,  
Winchester and Worthen of the House

and

Paddack, Adelson, Bass, Corn, Leftwich  
and Gumm of the Senate

An Act relating to public health; creating Rx for Oklahoma Act; defining terms; authorizing statewide program; encouraging participation by certain agencies; providing for selection criteria; providing for eligibility; providing for promulgation of rules; requiring annual report; 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 5040.2 of Title 74, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Rx for Oklahoma Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5040.3 of Title 74, unless there is created a duplication in numbering, reads as follows:

As used in the Rx for Oklahoma Act:

1. "Medically indigent" means a person who meets the criteria established by the drug manufacturer assistance programs for the purchase of prescribed medications; and

2. "Prescription drug" means a drug which may be dispensed only upon prescription by a health care professional authorized by the appropriate licensing authority and which is approved for safety and effectiveness as a prescription drug under Section 505 or 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040 (1938), 21 U.S.C.A., Section 301).

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5040.4 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. Beginning November 1, 2005, the Oklahoma Department of Commerce shall establish, through a competitive bid process, a statewide program to assist medically indigent residents of Oklahoma to receive prescriptions from drug manufacturer assistance programs.

B. Agencies including, but not limited to, the following shall be encouraged by the Department to submit bids:

1. County offices of the Department of Human Services;
2. County health departments;
3. Community action agencies designated by the Oklahoma Department of Commerce pursuant to Section 5038 of Title 74 of the Oklahoma Statutes;
4. Community mental health centers;
5. Private nonprofit agencies; and
6. Public entities engaged in the delivery of social services.

C. Agencies selected by the Department to provide services pursuant to the Rx for Oklahoma Act shall, at a minimum, demonstrate their ability to:

1. Deliver services in a community or geographic area of the state that is not currently receiving services pursuant to the Rx for Oklahoma Act;

2. Maintain a dedicated telephone line and computer with Internet access with appropriate software during normal business hours; and

3. Have staff or volunteers available who can:

- a. develop and implement community awareness initiatives about the prescription assistance services offered by the agency,
- b. determine whether a pharmaceutical program is offered for the drug or drugs a person needs,
- c. determine whether a person is eligible for assistance through a pharmaceutical program,
- d. assist a person to make application to and enroll in a pharmaceutical assistance program,
- e. keep accurate records of the number of clients served,
- f. maintain the confidentiality of all client information including, but not limited to, the client's identity, application information and other records, and

- g. estimate the value of prescriptions provided to clients under the program.

D. Eligibility for the Rx for Oklahoma Act shall be residents of Oklahoma who:

1. Are medically indigent; or
2. Are not medically indigent but cannot reasonably afford to pay for prescription medications.

E. The Oklahoma Department of Commerce shall promulgate rules or establish procedures necessary to implement the program established by the Rx for Oklahoma Act and shall submit an annual report to the Legislature and the Governor no later than January 1 of each year. The report shall include, but not be limited to, the following:

1. A listing of entities awarded grants and the amount of each award;

2. The number of residents served who were eligible for a drug manufacturer assistance program and the average amount of savings per resident;

3. The number of residents who sought assistance pursuant to the Rx for Oklahoma Act, but were determined not to be eligible for a drug manufacturer assistance program; and

4. A report by the Department of total expenditures. Included within the report shall be a summary of each grantee's administrative, personnel, and direct services expenditures by category relative to the grantee's administration of the program.

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 24th day of May, 2005.

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Presiding Officer of the House of  
Representatives

Passed the Senate the 26th day of May, 2005.

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Presiding Officer of the Senate