

ENROLLED SENATE
BILL NO. 547

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

and

Steele, Shelton, Jackson,
Sherrer, Gilbert,
Sullivan, Billy, Miller
(Doug), Hickman,
Wesselhoft, Braddock,
Sweeden, Auffet, Brannon,
Brown, Covey, Dank,
Denney, Dorman, Ellis,
Glenn, Harrison, Hilliard,
Hyman, Kiesel, Lindley,
McCarter, McMullen,
McPeak, Morrissette,
Nations, Roan, Shoemake,
Smithson, Terrill, Turner
and Walker of the House

An Act relating to professions and occupations;
creating the Oklahoma Prescription Drug Discount
Program Act of 2005; providing short title; requiring
the Oklahoma Health Care Authority to contract with
specified entity for certain purpose; specifying
preference for certain types of entities for
specified purpose; specifying components of
prescription drug discount program; construing act;
amending 59 O.S. 2001, Section 353.5, which relates
to the Board of Pharmacy; specifying methodology for
determining certain annual salary; 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. Oklahoma incorporated entities having a strong working relationship with Oklahoma's pharmacies should be given preference when selecting the administrating entity to ensure Oklahoma pharmacy's participation and to ensure the success of the program. The prescription drug discount program will:

1. Enable persons without prescription drug coverage to be linked to appropriate manufacturer-sponsored prescription drug programs via the use 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 Oklahoma Health Care Authority contracted pharmacy benefit manager to be the means testing agent for their programs;

3. Negotiate prescription drug discounts with manufacturers and utilize Medicaid reimbursement for pharmacy networks and implement a "one-stop" Oklahoma Prescription Drug Discount program for uninsured Oklahomans and their families. All negotiated manufacturer drug discounts shall be provided as a one-hundred-percent pass-through discount to the plan participant. The plan administrator will be required to provide the Oklahoma Health Care Authority full disclosure and transparency of financial relationships with manufacturers for this program, and will include right-to-audit provisions in all contracts with the Oklahoma Health Care Authority;

4. Ensure that one hundred percent (100%) of the savings from prescription drug manufacturers and pharmacies is passed on to the consumer;

5. Enroll persons into 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;

6. 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; and

7. 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 150% of the Federal Poverty Level. Provided further, dispensing fees shall not exceed allowable Medicaid rates.

C. Nothing in this act shall be construed to allow public disclosure of any proprietary pricing information as contained in contractual agreements between a pharmaceutical manufacturer and the Oklahoma Health Care Authority, or a pharmacy benefit manager under contract with the Oklahoma Health Care Authority to be the means testing agent for the program.

SECTION 2. AMENDATORY 59 O.S. 2001, Section 353.5, is amended to read as follows:

Section 353.5 A. The Board of Pharmacy shall annually elect a president and vice-president of the Board. The president and vice-president shall serve for a term of one (1) year and shall perform the duties prescribed by the Board. The Board shall employ an Executive Director who shall perform such duties as required by the Board.

B. Each member of the Board shall receive necessary travel expenses incurred in the discharge of official duties pursuant to the State Travel Reimbursement Act.

C. The Executive Director of the Board shall receive an annual salary to be fixed by the Board. The Board shall determine and base the annual salary of the Executive Director upon data obtained from a survey of U. S. regional average annual salaries for registered pharmacists, compiled and published each year by the National Community Pharmacist's Association Pfizer Pharmacy Digest.

D. The Executive Director shall:

1. Deposit funds with the State Treasurer to be expended in the manner and for the purposes provided by law; and

2. Report to the Board each month, presenting an accurate account as to the funds of the Board and make available written and acknowledged claims for all disbursements made.

SECTION 3. This act shall become effective July 1, 2005.

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 Senate the 24th day of May, 2005.

Presiding Officer of the Senate

Passed the House of Representatives the 26th day of May, 2005.

Presiding Officer of the House
of Representatives

