

3 Senate Bill No. 1738

4 As Amended

5 SENATE BILL NO. 1738 - By: PADDACK, JOHNSON (Constance) and LAWLER  
6 of the Senate and TERRILL of the House.

7 [ state government - prescription assistance - medically  
8 indigent -  
9 emergency ]

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

11 SECTION 1. AMENDATORY Section 3, Chapter 463, O.S.L.  
12 2005 (74 O.S. Supp. 2005, Section 5040.2), is amended to read as  
13 follows:

14 Section 5040.2 A. ~~Beginning November 1, 2005, the~~ The Oklahoma  
15 Department of Commerce shall ~~establish, through a competitive bid~~  
16 ~~process,~~ manage a statewide program to assist medically indigent  
17 residents of Oklahoma to receive prescriptions from drug  
18 manufacturer assistance programs.

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

21 1. ~~County offices of the Department of Human Services;~~

22 2. ~~County health departments;~~

23 3. ~~Community action agencies designated by the Oklahoma~~  
24 ~~Department of Commerce pursuant to Section 5038 of Title 74 of the~~  
25 ~~Oklahoma Statutes;~~

1       ~~4. Community mental health centers;~~

2       ~~5. Private nonprofit agencies; and~~

3       ~~6. Public entities engaged in the delivery of social services.~~

4       ~~C.~~ The Oklahoma Department of Commerce is authorized to enter  
5 into contracts to carry out the provisions of this act. Such  
6 contracts shall be exempt from the provisions of Section 85.1 et  
7 seq. of Title 74 of the Oklahoma Statutes. Agencies selected by the  
8 Department to provide services pursuant to the Rx for Oklahoma Act  
9 shall, at a minimum, demonstrate their ability to:

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

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

16       3. Have staff or volunteers available who can:

17           a. develop and implement community awareness initiatives  
18           about the prescription assistance services offered by  
19           the agency,

20           b. determine whether a pharmaceutical program is offered  
21           for the drug or drugs a person needs,

22           c. determine whether a person is eligible for assistance  
23           through a pharmaceutical program,

- 1 d. assist a person to make application to and enroll in a  
2 pharmaceutical assistance program,  
3 e. keep accurate records of the number of clients served,  
4 f. maintain the confidentiality of all client information  
5 including, but not limited to, the client's identity,  
6 application information and other records, and  
7 g. estimate the value of prescriptions provided to  
8 clients under the program; and

9 4. Show demonstrated experience in assisting medically indigent  
10 persons to receive prescriptions from drug manufacturer assistance  
11 programs in Oklahoma.

12 ~~D.~~ C. Eligibility for the Rx for Oklahoma Act shall be  
13 residents of Oklahoma who:

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

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

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

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

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

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

13        SECTION 2. It being immediately necessary for the preservation  
14 of the public peace, health and safety, an emergency is hereby  
15 declared to exist, by reason whereof this act shall take effect and  
16 be in full force from and after its passage and approval.

17 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-22-06 - DO  
18 PASS, As Amended and Coauthored.