

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

SENATE BILL 1738

By: Paddack

AS INTRODUCED

An Act relating to state government; amending Section 3, Chapter 463, O.S.L. 2005 (74 O.S. Supp. 2005, Section 5040.2), which relates to prescription assistance for medically indigent residents; deleting obsolete language; deleting competitive bidding process requirement; adding certain requirement; and declaring an emergency.

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

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

Section 5040.2 A. ~~Beginning November 1, 2005, the~~ The Oklahoma Department of Commerce shall ~~establish, through a competitive bid process,~~ manage 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.~~

6. The Oklahoma Department of Commerce is authorized to enter into contracts to carry out the provisions of this act. Such contracts shall be exempt from the provisions of Section 85.1 et seq. of Title 74 of the Oklahoma Statutes. 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; and

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

~~D.~~ C. 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.~~ D. 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 2. 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.