

By Senators Rossin, Campbell, Dyer, Klein, Mitchell and Geller

35-96C-01

1 A bill to be entitled
2 An act relating to pharmaceutical expense
3 assistance; amending s. 409.9065, F.S.;
4 revising the eligibility requirements for the
5 pharmaceutical expense assistance program;
6 deleting a requirement that a participant be
7 eligible for the Medicaid program; requiring
8 that the Agency for Health Care Administration
9 notify Medicare recipients of the program;
10 requiring the agency to establish a toll-free
11 telephone number for obtaining information
12 about the program; providing an effective date.

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14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. Section 409.9065, Florida Statutes, is
17 amended to read:

18 409.9065 Pharmaceutical expense assistance.--

19 (1) PROGRAM ESTABLISHED.--There is established a
20 program to provide pharmaceutical expense assistance to
21 certain low-income elderly individuals.

22 (2) ELIGIBILITY.--Eligibility for the program is
23 limited to those individuals who qualify for ~~limited~~
24 ~~assistance under the Florida Medicaid program as a result of~~
25 ~~being dually eligible for both Medicare and Medicaid, but~~
26 ~~whose limited assistance or Medicare coverage does not include~~
27 any pharmacy benefit. Specifically eligible are ~~low-income~~
28 senior citizens who:

29 (a) Are Florida residents age 65 and over;

30 (b) Have an income at or below 150 ~~between 90 and 120~~
31 percent of the federal poverty level;

1 (c) Are eligible for ~~both Medicare and Medicaid~~;
2 (d) Are not enrolled in a Medicare health maintenance
3 organization that provides a pharmacy benefit; ~~and~~
4 (e) Are not receiving prescription-drug assistance
5 from the Federal Government; and

6 (f)~~(e)~~ Request to be enrolled in the program.

7 (3) BENEFITS.--Medications covered under the
8 pharmaceutical expense assistance program are those covered
9 under the Medicaid program in s. 409.906(20). Monthly benefit
10 payments shall be limited to \$150~~\$80~~ per program participant.
11 Participants are required to make a 10-percent coinsurance
12 payment for each prescription purchased through this program.

13 (4) ADMINISTRATION.--The pharmaceutical expense
14 assistance program shall be administered by the Agency for
15 Health Care Administration, in consultation with the
16 Department of Elderly Affairs.

17 (a) The Agency for Health Care Administration and the
18 Department of Elderly Affairs shall develop a single-page
19 application for the pharmaceutical expense assistance program.

20 (b) The Agency for Health Care Administration shall,
21 by rule, establish for the pharmaceutical expense assistance
22 program eligibility requirements, limits on participation,
23 benefit limitations, a requirement for generic drug
24 substitution, and other program parameters comparable to those
25 of the Medicaid program.

26 (c) By January 1 of each year, the Agency for Health
27 Care Administration shall report to the Legislature on the
28 operation of the program. The report shall include information
29 on the number of individuals served, use rates, and
30 expenditures under the program. The report shall also address
31 the impact of the program on reducing unmet pharmaceutical

1 drug needs among the elderly and recommend programmatic
2 changes.

3 (5) NONENTITLEMENT.--The pharmaceutical expense
4 assistance program established by this section is not an
5 entitlement.

6 (6) PHARMACEUTICAL MANUFACTURER PARTICIPATION.--In
7 order for a drug product to be covered under Medicaid or this
8 program, the product's manufacturer shall:

9 (a) Provide a rebate to the state equal to the rebate
10 required by the Medicaid program; and

11 (b) Make the drug product available to the program for
12 the best price that the manufacturer makes the drug product
13 available in the Medicaid program.

14 (7) REIMBURSEMENT.--Reimbursements to pharmacies
15 participating in the pharmaceutical expense assistance program
16 established under this section shall be equivalent to
17 reimbursements under the Medicaid program.

18 (8) NOTIFICATION.--The Agency for Health Care
19 Administration shall annually notify each Medicare recipient
20 of the pharmaceutical expense assistance program. The notice
21 must contain a description of the program and a toll-free
22 telephone number to call to obtain additional information
23 concerning the program.

24 Section 2. This act shall take effect July 1, 2001.

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SENATE SUMMARY

Revises the eligibility requirements for the pharmaceutical expense assistance program established to provide assistance to certain low-income elderly persons. Deletes a requirement that a participant be eligible for assistance under the Medicaid program. Provides that a participant must not be receiving federal assistance for prescription drugs. Requires that the Agency for Health Care Administration annually notify Medicare recipients of the program and provide a toll-free telephone number for obtaining information about the program.