

By the Committee on Health Promotion and Representatives
 Argenziano, Kosmas, Fiorentino and Littlefield

1 A bill to be entitled
 2 An act relating to the pharmacy discount
 3 program; amending s. 409.906, F.S.; authorizing
 4 as a new optional Medicaid service the pharmacy
 5 discount program, to be administered by the
 6 Agency for Health Care Administration;
 7 directing the Agency for Health Care
 8 Administration to seek a federal Medicaid
 9 waiver for the pharmacy discount program;
 10 specifying program eligibility and eligibility
 11 determination; specifying the means of deriving
 12 the subsidy for program participants; providing
 13 an effective date.

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

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 17 Section 1. Subsection (25) is added to section
 18 409.906, Florida Statutes, to read:
 19 409.906 Optional Medicaid services.--Subject to
 20 specific appropriations, the agency may make payments for
 21 services which are optional to the state under Title XIX of
 22 the Social Security Act and are furnished by Medicaid
 23 providers to recipients who are determined to be eligible on
 24 the dates on which the services were provided. Any optional
 25 service that is provided shall be provided only when medically
 26 necessary and in accordance with state and federal law.
 27 Nothing in this section shall be construed to prevent or limit
 28 the agency from adjusting fees, reimbursement rates, lengths
 29 of stay, number of visits, or number of services, or making
 30 any other adjustments necessary to comply with the
 31 availability of moneys and any limitations or directions

1 provided for in the General Appropriations Act or chapter 216.
2 If necessary to safeguard the state's systems of providing
3 services to elderly and disabled persons and subject to the
4 notice and review provisions of s. 216.177, the Governor may
5 direct the Agency for Health Care Administration to amend the
6 Medicaid state plan to delete the optional Medicaid service
7 known as "Intermediate Care Facilities for the Developmentally
8 Disabled." Optional services may include:

9 (25) PHARMACY DISCOUNT PROGRAM.--Subject to specific
10 federal authorization, the agency shall administer a program
11 to provide subsidized discounts for Medicare recipients and
12 uninsured individuals for the purchase of prescribed drugs,
13 pursuant to the terms of a federal waiver for such services.
14 The program shall serve to provide a subsidy to those who
15 purchase prescription drugs under the program and shall not
16 create an entitlement.

17 Section 2. The Agency for Health Care Administration
18 shall submit to the federal Health Care Financing
19 Administration a request for a service coverage waiver
20 specific to a pharmacy discount program for those residents of
21 the state with incomes up to 300 percent of the federal
22 poverty level who do not have a health insurance program that
23 includes a prescription drug benefit or any separate
24 prescription drug benefit. The Department of Children and
25 Family Services shall determine eligibility for the pharmacy
26 discount program. Individuals in this expanded coverage group
27 shall receive a financial subsidy for prescription drugs equal
28 to the average rebate, and any supplemental rebate, paid to
29 the Medicaid program by pharmaceutical manufacturers.

30 Section 3. This act shall take effect October 1, 2001.
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