

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representatives Green, Gelber, and Goodlette offered the following:

Amendment (with title amendment)

On page 29, lines 14-18, remove: all of said lines

and insert:

Administration to implement section 13 of this act during the 2002-2003 fiscal year. This section takes effect May 1, 2003.

Section 15. Section 430.83, Florida Statutes, is created to read:

430.83 Sunshine for Seniors Program.--

(1) POPULAR NAME.--This section shall be known by the popular name "The Sunshine for Seniors Act."

(2) DEFINITIONS.--As used in this section, the term:

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27 (a) "Application assistance organization" means any
28 private organization that assists individuals with obtaining
29 prescription drugs through manufacturers' pharmaceutical
30 assistance programs.

31 (b) "Eligible individual" means any individual who is 60
32 years of age or older who lacks adequate pharmaceutical
33 insurance coverage.

34 (c) "Manufacturers' pharmaceutical assistance program"
35 means any program offered by a pharmaceutical manufacturer that
36 provides low-income individuals with prescription drugs free or
37 at reduced prices, including, but not limited to, senior
38 discount card programs and patient assistance programs.

39 (3) LEGISLATIVE FINDINGS AND INTENT.--The Legislature
40 finds that the pharmaceutical manufacturers, seeing a need, have
41 created charitable programs to aid low-income seniors with the
42 cost of prescription drugs. The Legislature also finds that many
43 low-income seniors are unaware of such programs or either do not
44 know how to apply for or need assistance in completing the
45 applications for such programs. Therefore, it is the intent of
46 the Legislature that the Department of Elderly Affairs, in
47 consultation with the Agency for Health Care Administration,
48 implement and oversee the Sunshine for Seniors Program to help
49 seniors in accessing manufacturers' pharmaceutical assistance
50 programs.

51 (4) SUNSHINE FOR SENIORS PROGRAM.--There is established a
52 program to assist low-income seniors with obtaining prescription
53 drugs from manufacturers' pharmaceutical assistance programs,
54 which shall be known as the "Sunshine for Seniors Program."
55 Implementation of the program is subject to the availability of

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56 funding and any limitations or directions provided for by the
57 General Appropriations Act or chapter 216.

58 (5) IMPLEMENTATION AND OVERSIGHT DUTIES.--In implementing
59 and overseeing the Sunshine for Seniors Program, the Department
60 of Elderly Affairs:

61 (a) Shall promote the availability of manufacturers'
62 pharmaceutical assistance programs to eligible individuals with
63 various outreach initiatives.

64 (b) Shall, working cooperatively with pharmaceutical
65 manufacturers and consumer advocates, develop a uniform
66 application form, which shall be available in English, Spanish,
67 and Creole, to be completed by seniors who wish to participate
68 in the Sunshine for Seniors Program.

69 (c) May request proposals from application assistance
70 organizations to assist eligible individuals with obtaining
71 prescription drugs through manufacturers' pharmaceutical
72 assistance programs.

73 (d) Shall train volunteers to help eligible individuals
74 fill out applications for the manufacturers' pharmaceutical
75 assistance programs.

76 (e) Shall train volunteers to determine if applicants are
77 available for other state programs.

78 (f) Shall seek federal funds to help fund the Sunshine for
79 Seniors Program.

80 (g) May seek federal waivers to help fund the Sunshine for
81 Seniors Program.

82 (6) COMMUNITY PARTNERSHIPS.--The Department of Elderly
83 Affairs may build private-sector and public-sector partnerships
84 with corporations, hospitals, physicians, pharmacists,

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85 foundations, volunteers, state agencies, community groups, area
86 agencies on aging, and any other entities that will further the
87 intent of this section. These community partnerships may also be
88 used to facilitate other pro bono benefits for eligible
89 individuals, including, but not limited to, medical, dental, and
90 prescription services.

91 (7) CONTRACTS.--The Department of Elderly Affairs may
92 select and contract with application assistance organizations to
93 assist eligible individuals in obtaining their prescription
94 drugs through the manufacturers' pharmaceutical assistance
95 programs. If the department contracts with an application
96 assistance organization, the department shall evaluate quarterly
97 the performance of the application assistance organization to
98 ensure compliance with the contract and the quality of service
99 provided to eligible individuals.

100 (8) REPORTS AND EVALUATIONS.--By January 1 of each year,
101 while the Sunshine for Seniors Program is operating, the
102 Department of Elderly Affairs shall report to the Legislature
103 regarding the implementation and operation of the Sunshine for
104 Seniors Program.

105 (9) NONENTITLEMENT.--The Sunshine for Seniors Program
106 established by this section is not an entitlement. If funds are
107 insufficient to assist all eligible individuals, the Department
108 of Elderly Affairs may develop a waiting list prioritized by
109 application date.

110 Section 16. Section 409.9065, Florida Statutes, is amended
111 to read:

112 409.9065 Pharmaceutical expense assistance.--

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113 (1) PROGRAM ESTABLISHED.--There is established a program
114 to provide pharmaceutical expense assistance to eligible ~~certain~~
115 low-income elderly individuals, which shall be known as the "Ron
116 Silver Senior Drug Program" and may be referred to as the
117 "Silver Lifesaver Program."

118 (2) ELIGIBILITY.--Eligibility for the program is limited
119 to ~~those~~ individuals who ~~qualify for limited assistance under~~
120 ~~the Florida Medicaid program as a result of being dually~~
121 ~~eligible for both Medicare and Medicaid, but whose limited~~
122 ~~assistance or Medicare coverage does not include any pharmacy~~
123 ~~benefit. To the extent funds are appropriated, specifically~~
124 ~~eligible individuals are individuals who:~~

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

126 (b) Have an income equal to or less than 200 percent of
127 the federal poverty level;÷

128 1. ~~Between 88 and 120 percent of the federal poverty~~
129 ~~level;~~

130 2. ~~Between 88 and 150 percent of the federal poverty level~~
131 ~~if the Federal Government increases the federal Medicaid match~~
132 ~~for persons between 100 and 150 percent of the federal poverty~~
133 ~~level; or~~

134 3. ~~Between 88 percent of the federal poverty level and a~~
135 ~~level that can be supported with funds provided in the General~~
136 ~~Appropriations Act for the program offered under this section~~
137 ~~along with federal matching funds approved by the Federal~~
138 ~~Government under a s. 1115 waiver. The agency is authorized to~~
139 ~~submit and implement a federal waiver pursuant to this~~
140 ~~subparagraph. The agency shall design a pharmacy benefit that~~
141 ~~includes annual per member benefit limits and cost sharing~~

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142 ~~provisions and limits enrollment to available appropriations and~~
143 ~~matching federal funds. Prior to implementing this program, the~~
144 ~~agency must submit a budget amendment pursuant to chapter 216:~~

145 (c) Are eligible for ~~both Medicare and Medicaid;~~

146 (d) Have exhausted pharmacy benefits under Medicare,
147 Medicaid, or any other insurance plan ~~Are not enrolled in a~~
148 ~~Medicare health maintenance organization that provides a~~
149 ~~pharmacy benefit; and~~

150 (e) Request to be enrolled in the program.

151 (3) BENEFITS.--Eligible individuals shall receive a
152 discount for prescription drugs ~~Medications covered under the~~
153 ~~pharmaceutical expense assistance program are those covered~~
154 ~~under the Medicaid program in s. 409.906(20)(19). Monthly~~
155 ~~benefit payments shall be limited to \$80 per program~~
156 ~~participant. Participants are required to make a 10-percent~~
157 ~~coinsurance payment for each prescription purchased through this~~
158 ~~program.~~

159 (a) Eligible individuals with incomes equal to or less
160 than 120 percent of the federal poverty level shall receive a
161 discount of 100 percent for the first \$160 worth of prescription
162 drugs they receive each month, subject to copayments that the
163 agency requires on these benefits. For all other prescription
164 drugs received each month, eligible individuals shall receive a
165 discount of 50 percent.

166 (b) Eligible individuals with incomes of more than 120
167 percent but not more than 150 percent of the federal poverty
168 level shall receive a discount of 50 percent.

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169 (c) Eligible individuals with incomes of more than 150
170 percent but not more than 175 percent of the federal poverty
171 level shall receive a discount of 41 percent.

172 (d) Eligible individuals with incomes of more than 175
173 percent but not more than 200 percent of the federal poverty
174 level shall receive a discount of 37 percent.

175 (4) ADMINISTRATION.--The pharmaceutical expense assistance
176 program shall be administered by the agency ~~for Health Care~~
177 ~~Administration~~, in collaboration ~~consultation~~ with the
178 Department of Elderly Affairs and the Department of Children and
179 Family Services.

180 ~~(a) The Agency for Health Care Administration and the~~
181 ~~Department of Elderly Affairs shall develop a single page~~
182 ~~application for the pharmaceutical expense assistance program.~~

183 (a)(b) The agency for Health Care Administration shall, by
184 rule, establish for the pharmaceutical expense assistance
185 program eligibility requirements; 7 limits on participation; 7
186 benefit limitations, including copayments; a requirement for
187 generic drug substitution; 7 and other program parameters
188 comparable to those of the Medicaid program. However, there
189 shall be no monetary limit on prescription drugs purchased with
190 discounts of less than 51 percent unless the agency determines
191 there is a risk of a funding shortfall in the program. If the
192 agency determines there is a risk of a funding shortfall, the
193 agency may establish monetary limits on prescription drugs which
194 shall not be less than \$160 worth of prescription drugs per
195 month.

196 (b)(e) By January 1 of each year, the agency for Health
197 Care Administration shall report to the Legislature on the

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198 operation of the program. The report shall include information
199 on the number of individuals served, use rates, and expenditures
200 under the program. The report shall also address the impact of
201 the program on reducing unmet pharmaceutical drug needs among
202 the elderly and recommend programmatic changes.

203 (5) NONENTITLEMENT.--The pharmaceutical expense assistance
204 program established by this section is not an entitlement.
205 Enrollment levels are limited to those authorized by the
206 Legislature in the annual General Appropriations Act. If, after
207 establishing monetary limits as required by paragraph (4)(a),
208 funds are insufficient to serve all eligible individuals
209 ~~eligible under subsection (2) and seeking coverage~~, the agency
210 may develop a waiting list based on application dates to use in
211 enrolling individuals in unfilled enrollment slots.

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

215 (a) Provide a rebate to the state equal to the rebate
216 required by the Medicaid program; and

217 (b) Make the drug product available to the program for the
218 best price that the manufacturer makes the drug product
219 available in the Medicaid program.

220 (7) REIMBURSEMENT.--Total reimbursements to pharmacies
221 participating in the pharmaceutical expense assistance program
222 established under this section shall be equivalent to
223 reimbursements under the Medicaid program.

224 (8) FEDERAL APPROVAL.--The benefits provided in this
225 section are limited to those approved by the Federal Government

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226 pursuant to a Medicaid waiver or an amendment to the state
227 Medicaid plan.

228 Section 17. Subsections (7), (8), and (9) are added to
229 section 430.502, Florida Statutes, to read:

230 430.502 Alzheimer's disease; memory disorder clinics and
231 day care and respite care programs.--

232 (7) The Agency for Health Care Administration and the
233 department shall seek a federal waiver to implement a Medicaid
234 home and community-based waiver targeted to persons with
235 Alzheimer's disease to test the effectiveness of Alzheimer's
236 specific interventions to delay or to avoid institutional
237 placement.

238 (8) The department will implement the waiver program
239 specified in subsection (7). The agency and the department shall
240 ensure that providers are selected that have a history of
241 successfully serving persons with Alzheimer's disease. The
242 department and the agency shall develop specialized standards
243 for providers and services tailored to persons in the early,
244 middle, and late stages of Alzheimer's disease and designate a
245 level of care determination process and standard that is most
246 appropriate to this population. The department and the agency
247 shall include in the waiver services designed to assist the
248 caregiver in continuing to provide in-home care. The department
249 shall implement this waiver program subject to a specific
250 appropriation or as provided in the General Appropriations Act.
251 The department and the agency shall submit their program design
252 to the President of the Senate and the Speaker of the House of
253 Representatives for consultation during the development process.

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254 (9) Authority to continue the waiver program specified in
255 subsection (7) shall be automatically eliminated at the close of
256 the 2008 Regular Session of the Legislature unless further
257 legislative action is taken to continue it prior to such time.

258 Section 18. Except as otherwise expressly provided, this
259 act shall take effect July 1, 2003, but if it becomes a law
260 after May 1, 2003, sections 13 and 14 of this act shall

261
262 ===== T I T L E A M E N D M E N T =====

263 On page 1, line 2,
264 remove: all of said line

265
266 and insert:
267 An act relating to health care; creating s. 430.83, F.S.;
268 providing a popular name; providing definitions; providing
269 legislative findings and intent; creating the Sunshine for
270 Seniors Program to assist low-income seniors with
271 obtaining prescription drugs from manufacturers'
272 pharmaceutical assistance programs; providing
273 implementation and oversight duties of the Department of
274 Elderly Affairs; providing for community partnerships;
275 providing for contracts; requiring annual evaluation
276 reports on the program; specifying that the program is not
277 an entitlement; amending s. 409.9065, F.S.; revising the
278 pharmaceutical expense assistance program for low-income
279 elderly individuals; adding eligibility groups; providing
280 benefits; requiring the Agency for Health Care
281 Administration, in administering the program, to
282 collaborate with both the Department of Elderly Affairs

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283 and the Department of Children and Family Services;
284 requiring federal approval of benefits; amending s.
285 430.502, F.S.; requiring the Agency for Health Care
286 Administration and the Department of Health to seek and
287 implement a Medicaid home and community-based waiver for
288 persons with Alzheimer's disease; requiring the
289 development of waiver program standards; providing for
290 consultation with the presiding officers of the
291 Legislature; providing for a contingent future repeal of
292 such waiver program;