

By Senator Peaden

2-648-03

See HB 1

1                                   A bill to be entitled  
2           An act relating to assistance in obtaining  
3           prescription drugs; creating s. 430.83, F.S.;  
4           providing a popular name; providing  
5           definitions; providing legislative findings and  
6           intent; creating the Sunshine for Seniors  
7           Program to assist low-income seniors with  
8           obtaining prescription drugs from manufacturers  
9           pharmaceutical assistance programs; providing  
10          implementation and oversight duties of the  
11          Department of Elderly Affairs; providing for  
12          community partnerships; providing for  
13          contracts; requiring annual evaluation reports  
14          on the program; specifying that the program is  
15          not an entitlement; providing an effective  
16          date.

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

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20           Section 1. Section 430.83, Florida Statutes, is  
21 created to read:

22           430.83 Sunshine for Seniors Program.--

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

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

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

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1           (b) "Eligible individual" means any individual who is  
2 60 years of age or older who lacks adequate pharmaceutical  
3 insurance coverage.

4           (c) "Manufacturers' pharmaceutical assistance program"  
5 means any program offered by a pharmaceutical manufacturer  
6 which provides low-income individuals with prescription drugs  
7 free or at reduced prices, including, but not limited to,  
8 senior discount card programs and patient assistance programs.

9           (3) LEGISLATIVE FINDINGS AND INTENT.--The Legislature  
10 finds that the pharmaceutical manufacturers, seeing a need,  
11 have created charitable programs to aid low-income seniors  
12 with the cost of prescription drugs. The Legislature also  
13 finds that many low-income seniors are unaware of such  
14 programs or either do not know how to apply for or need  
15 assistance in completing the applications for such programs.  
16 Therefore, it is the intent of the Legislature that the  
17 Department of Elderly Affairs, in consultation with the Agency  
18 for Health Care Administration, implement and oversee the  
19 Sunshine for Seniors Program to help seniors in accessing  
20 manufacturers pharmaceutical assistance programs.

21           (4) SUNSHINE FOR SENIORS PROGRAM.--There is  
22 established a program to assist low-income seniors with  
23 obtaining prescription drugs from manufacturers  
24 pharmaceutical assistance programs, which shall be known as  
25 the "Sunshine for Seniors Program." Implementation of the  
26 program is subject to the availability of funding and any  
27 limitations or directions provided for by the General  
28 Appropriations Act or chapter 216.

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

1           (a) Shall promote the availability of manufacturers  
2 pharmaceutical assistance programs to eligible individuals  
3 with various outreach initiatives.

4           (b) Shall, working cooperatively with pharmaceutical  
5 manufacturers and consumer advocates, develop a uniform  
6 application form to be completed by seniors who wish to  
7 participate in the Sunshine for Seniors Program.

8           (c) May request proposals from application assistance  
9 organizations to assist eligible individuals with obtaining  
10 prescription drugs through manufacturers' pharmaceutical  
11 assistance programs.

12           (d) Shall train volunteers to help eligible  
13 individuals fill out applications for the manufacturers  
14 pharmaceutical assistance programs.

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

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

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

21           (6) COMMUNITY PARTNERSHIPS.--The Department of Elderly  
22 Affairs may build private-sector and public-sector  
23 partnerships with corporations, hospitals, physicians,  
24 pharmacists, foundations, volunteers, state agencies,  
25 community groups, area agencies on aging, and any other  
26 entities that will further the intent of this section. These  
27 community partnerships may also be used to facilitate other  
28 pro bono benefits for eligible individuals, including, but not  
29 limited to, medical, dental, and prescription services.

30           (7) CONTRACTS.--The Department of Elderly Affairs may  
31 select and contract with application assistance organizations

1 to assist eligible individuals in obtaining their prescription  
2 drugs through the manufacturers pharmaceutical assistance  
3 programs. If the department contracts with an application  
4 assistance organization, the department shall evaluate  
5 quarterly the performance of the application assistance  
6 organization to ensure compliance with the contract and the  
7 quality of service provided to eligible individuals.

8 (8) REPORTS AND EVALUATIONS.--By January 1 of each  
9 year, while the Sunshine for Seniors Program is operating, the  
10 Department of Elderly Affairs shall report to the Legislature  
11 regarding the implementation and operation of the Sunshine for  
12 Seniors Program.

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

18 Section 2. This act shall take effect upon becoming a  
19 law.