

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

.  
.
.

Representative Goodlette offered the following:

**Amendment (with title amendment)**

On page 3, between line(s) 3 and 4, insert:

Section 2. 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:

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

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

Amendment No. (for drafter's use only)

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

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

45        (4) SUNSHINE FOR SENIORS PROGRAM.--There is established a  
46 program to assist low-income seniors with obtaining prescription  
47 drugs from manufacturers' pharmaceutical assistance programs,  
48 which shall be known as the "Sunshine for Seniors Program."  
49 Implementation of the program is subject to the availability of  
50 funding and any limitations or directions provided for by the  
51 General Appropriations Act or chapter 216.

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

Amendment No. (for drafter's use only)

55 (a) Shall promote the availability of manufacturers'  
56 pharmaceutical assistance programs to eligible individuals with  
57 various outreach initiatives.

58 (b) Shall, working cooperatively with pharmaceutical  
59 manufacturers and consumer advocates, develop a uniform  
60 application form, which shall be available in English, Spanish,  
61 and Creole, to be completed by seniors who wish to participate  
62 in the Sunshine for Seniors Program.

63 (c) May request proposals from application assistance  
64 organizations to assist eligible individuals with obtaining  
65 prescription drugs through manufacturers' pharmaceutical  
66 assistance programs.

67 (d) Shall train volunteers to help eligible individuals  
68 fill out applications for the manufacturers' pharmaceutical  
69 assistance programs.

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

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

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

76 (6) COMMUNITY PARTNERSHIPS.--The Department of Elderly  
77 Affairs may build private-sector and public-sector partnerships  
78 with corporations, hospitals, physicians, pharmacists,  
79 foundations, volunteers, state agencies, community groups, area  
80 agencies on aging, and any other entities that will further the  
81 intent of this section. These community partnerships may also be  
82 used to facilitate other pro bono benefits for eligible

Amendment No. (for drafter's use only)

83 individuals, including, but not limited to, medical, dental, and  
84 prescription services.

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

94 (8) REPORTS AND EVALUATIONS.--By January 1 of each year,  
95 while the Sunshine for Seniors Program is operating, the  
96 Department of Elderly Affairs shall report to the Legislature  
97 regarding the implementation and operation of the Sunshine for  
98 Seniors Program.

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

104 Section 3. Section 409.9065, Florida Statutes, is amended  
105 to read:

106 409.9065 Pharmaceutical expense assistance.--

107 (1) PROGRAM ESTABLISHED.--There is established a program  
108 to provide pharmaceutical expense assistance to eligible certain  
109 low-income elderly individuals, which shall be known as the "Ron  
110 Silver Senior Drug Program" and may be referred to as the  
111 "Silver Lifesaver Program."

Amendment No. (for drafter's use only)

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

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

120 (b) Have an income equal to or less than 200 percent of  
121 the federal poverty level;

122 1. ~~Between 88 and 120 percent of the federal poverty~~  
123 ~~level;~~

124 2. ~~Between 88 and 150 percent of the federal poverty level~~  
125 ~~if the Federal Government increases the federal Medicaid match~~  
126 ~~for persons between 100 and 150 percent of the federal poverty~~  
127 ~~level; or~~

128 3. ~~Between 88 percent of the federal poverty level and a~~  
129 ~~level that can be supported with funds provided in the General~~  
130 ~~Appropriations Act for the program offered under this section~~  
131 ~~along with federal matching funds approved by the Federal~~  
132 ~~Government under a s. 1115 waiver. The agency is authorized to~~  
133 ~~submit and implement a federal waiver pursuant to this~~  
134 ~~subparagraph. The agency shall design a pharmacy benefit that~~  
135 ~~includes annual per member benefit limits and cost sharing~~  
136 ~~provisions and limits enrollment to available appropriations and~~  
137 ~~matching federal funds. Prior to implementing this program, the~~  
138 ~~agency must submit a budget amendment pursuant to chapter 216;~~

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

Amendment No. (for drafter's use only)

140 (d) Have exhausted pharmacy benefits under Medicare,  
141 Medicaid, or any other insurance plan ~~Are not enrolled in a~~  
142 ~~Medicare health maintenance organization that provides a~~  
143 ~~pharmacy benefit; and~~

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

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

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

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

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

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

802575

Amendment No. (for drafter's use only)

169 (4) ADMINISTRATION.--The pharmaceutical expense assistance  
170 program shall be administered by the agency ~~for Health Care~~  
171 ~~Administration~~, in collaboration ~~consultation~~ with the  
172 Department of Elderly Affairs and the Department of Children and  
173 Family Services.

174 ~~(a) The Agency for Health Care Administration and the~~  
175 ~~Department of Elderly Affairs shall develop a single-page~~  
176 ~~application for the pharmaceutical expense assistance program.~~

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

190 ~~(b)(e)~~ By January 1 of each year, the agency ~~for Health~~  
191 ~~Care Administration~~ shall report to the Legislature on the  
192 operation of the program. The report shall include information  
193 on the number of individuals served, use rates, and expenditures  
194 under the program. The report shall also address the impact of  
195 the program on reducing unmet pharmaceutical drug needs among  
196 the elderly and recommend programmatic changes.

Amendment No. (for drafter's use only)

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

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

209 (a) Provide a rebate to the state equal to the rebate  
 210 required by the Medicaid program; and

211 (b) Make the drug product available to the program for the  
 212 best price that the manufacturer makes the drug product  
 213 available in the Medicaid program.

214 (7) REIMBURSEMENT.--Total reimbursements to pharmacies  
 215 participating in the pharmaceutical expense assistance program  
 216 established under this section shall be equivalent to  
 217 reimbursements under the Medicaid program.

218 (8) FEDERAL APPROVAL.--The benefits provided in this  
 219 section are limited to those approved by the Federal Government  
 220 pursuant to a Medicaid waiver or an amendment to the state  
 221 Medicaid plan.

222  
 223 ===== T I T L E A M E N D M E N T =====

224 On page 1, line(s) 8,  
 225 remove: all of said line



Amendment No. (for drafter's use only)

226  
227 and insert:  
228 to the Legislature; creating s. 430.83, F.S.; providing a  
229 popular name; providing definitions; providing legislative  
230 findings and intent; creating the Sunshine for Seniors Program  
231 to assist low-income seniors with obtaining prescription drugs  
232 from manufacturers' pharmaceutical assistance programs;  
233 providing implementation and oversight duties of the Department  
234 of Elderly Affairs; providing for community partnerships;  
235 providing for contracts; requiring annual evaluation reports on  
236 the program; specifying that the program is not an entitlement;  
237 amending s. 409.9065, F.S.; revising the pharmaceutical expense  
238 assistance program for low-income elderly individuals; adding  
239 eligibility groups; providing benefits; requiring the Agency for  
240 Health Care Administration, in administering the program, to  
241 collaborate with both the Department of Elderly Affairs and the  
242 Department of Children and Family Services; requiring federal  
243 approval of benefits; providing an effective