



HB 0843, Engrossed 1

2003

1 A bill to be entitled

2 An act relating to prescription drugs; amending s.
3 409.9065, F.S.; revising the pharmaceutical expense
4 assistance program for low-income elderly individuals;
5 adding eligibility groups; providing benefits; requiring
6 the Agency for Health Care Administration, in
7 administering the program, to collaborate with both the
8 Department of Elderly Affairs and the Department of
9 Children and Family Services; requiring federal approval
10 of benefits; providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Section 409.9065, Florida Statutes, is amended
15 to read:

16 409.9065 Pharmaceutical expense assistance.--

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

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

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

30 (b) Have an income equal to or less than 200 percent of



31 the federal poverty level;

32 ~~1. Between 88 and 120 percent of the federal poverty~~
 33 ~~level;~~

34 ~~2. Between 88 and 150 percent of the federal poverty level~~
 35 ~~if the Federal Government increases the federal Medicaid match~~
 36 ~~for persons between 100 and 150 percent of the federal poverty~~
 37 ~~level; or~~

38 ~~3. Between 88 percent of the federal poverty level and a~~
 39 ~~level that can be supported with funds provided in the General~~
 40 ~~Appropriations Act for the program offered under this section~~
 41 ~~along with federal matching funds approved by the Federal~~
 42 ~~Government under a s. 1115 waiver. The agency is authorized to~~
 43 ~~submit and implement a federal waiver pursuant to this~~
 44 ~~subparagraph. The agency shall design a pharmacy benefit that~~
 45 ~~includes annual per member benefit limits and cost sharing~~
 46 ~~provisions and limits enrollment to available appropriations and~~
 47 ~~matching federal funds. Prior to implementing this program, the~~
 48 ~~agency must submit a budget amendment pursuant to chapter 216;~~

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

50 (d) Have exhausted pharmacy benefits under Medicare,
 51 Medicaid, or any other insurance plan ~~Are not enrolled in a~~
 52 ~~Medicare health maintenance organization that provides a~~
 53 ~~pharmacy benefit; and~~

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

55 (3) BENEFITS.--Eligible individuals shall receive a
 56 discount for prescription drugs ~~Medications covered under the~~
 57 ~~pharmaceutical expense assistance program are those covered~~
 58 ~~under the Medicaid program in s. 409.906(20)(19). Monthly~~
 59 ~~benefit payments shall be limited to \$80 per program~~
 60 ~~participant. Participants are required to make a 10 percent~~



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61 ~~coinsurance payment for each prescription purchased through this~~
 62 ~~program.~~

63 (a) Eligible individuals with incomes equal to or less
 64 than 120 percent of the federal poverty level shall receive a
 65 discount of 100 percent for the first \$160 worth of prescription
 66 drugs they receive each month, subject to copayments that the
 67 agency requires on these benefits. For all other prescription
 68 drugs received each month, eligible individuals shall receive a
 69 discount of 50 percent.

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

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

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

79 (4) ADMINISTRATION.--The pharmaceutical expense assistance
 80 program shall be administered by the agency ~~for Health Care~~
 81 ~~Administration~~, in collaboration ~~consultation~~ with the
 82 Department of Elderly Affairs and the Department of Children and
 83 Family Services.

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

87 ~~(a)(b)~~ The agency ~~for Health Care Administration~~ shall, by
 88 rule, establish for the pharmaceutical expense assistance
 89 program eligibility requirements; limits on participation;
 90 benefit limitations, including copayments; a requirement for



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91 generic drug substitution; ~~7~~ and other program parameters
92 comparable to those of the Medicaid program. However, there
93 shall be no monetary limit on prescription drugs purchased with
94 discounts of less than 51 percent unless the agency determines
95 there is a risk of a funding shortfall in the program. If the
96 agency determines there is a risk of a funding shortfall, the
97 agency may establish monetary limits on prescription drugs which
98 shall not be less than \$160 worth of prescription drugs per
99 month.

100 ~~(b)(e)~~ By January 1 of each year, the agency ~~for Health~~
101 ~~Care Administration~~ shall report to the Legislature on the
102 operation of the program. The report shall include information
103 on the number of individuals served, use rates, and expenditures
104 under the program. The report shall also address the impact of
105 the program on reducing unmet pharmaceutical drug needs among
106 the elderly and recommend programmatic changes.

107 (5) NONENTITLEMENT.--The pharmaceutical expense assistance
108 program established by this section is not an entitlement.
109 Enrollment levels are limited to those authorized by the
110 Legislature in the annual General Appropriations Act. If, after
111 establishing monetary limits as required by paragraph (4)(a),
112 funds are insufficient to serve all eligible individuals
113 eligible under subsection (2) and seeking coverage, the agency
114 may develop a waiting list based on application dates to use in
115 enrolling individuals in unfilled enrollment slots.

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

119 (a) Provide a rebate to the state equal to the rebate
120 required by the Medicaid program; and



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121 (b) Make the drug product available to the program for the
122 best price that the manufacturer makes the drug product
123 available in the Medicaid program.

124 (7) REIMBURSEMENT.--Total reimbursements to pharmacies
125 participating in the pharmaceutical expense assistance program
126 established under this section shall be equivalent to
127 reimbursements under the Medicaid program.

128 (8) FEDERAL APPROVAL.--The benefits provided in this
129 section are limited to those approved by the Federal Government
130 pursuant to a Medicaid waiver or an amendment to the state
131 Medicaid plan.

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