

**ASSISTANCE FOR PEOPLE WITH BLEEDING
DISORDERS**

2005 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: David Litvack

Senate Sponsor: Gene Davis

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LONG TITLE

General Description:

This bill amends the Comprehensive Health Insurance Pool act to create a pilot program, establishes a grant process in the Department of Health for assistance to people with bleeding disorders, and creates an ongoing appropriation for fiscal year 2005-06 of \$250,000 from the General Fund to a bleeding disorders assistance grant program in the Department of Health.

Highlighted Provisions:

This bill:

- ▶ creates a five-year pilot program within the Comprehensive Health Insurance Pool Act for disease and pharmaceutical management of bleeding disorders;
- ▶ permits enrollees in the pilot program to participate in a federal 340B discounted drug pricing program;
- ▶ requires the Comprehensive Health Insurance Pool to report on its claims experience and pharmaceutical costs under the pilot program;
- ▶ permits the Comprehensive Health Insurance Pool to terminate the pilot program under certain circumstances;

- ▶ establishes a grant program within the Department of Health for assistance to people with bleeding disorders; and
- ▶ makes technical corrections.

Monies Appropriated in this Bill:

This bill creates an ongoing appropriation of \$250,000 from the General Fund to the Department of Health, for the 2005-06 fiscal year, for a grant program to assist people with bleeding disorders.

Other Special Clauses:

This bill provides revisor instructions.

Utah Code Sections Affected:

ENACTS:

26-47-100, Utah Code Annotated 1953

26-47-103, Utah Code Annotated 1953

31A-29-113.5, Utah Code Annotated 1953

RENUMBERS AND AMENDS:

26-47-102, (Renumbered from 26-47-101, as last amended by Chapter 280, Laws of Utah 2004)

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **26-47-100** is enacted to read:

CHAPTER 47. HEALTH CARE ASSISTANCE ACT

26-47-100. Title.

This chapter is known as the "Health Care Assistance Act."

Section 2. Section **26-47-102**, which is renumbered from Section 26-47-101 is renumbered and amended to read:

[26-47-101]. 26-47-102. Prescription Drug Assistance Program.

(1) No later than October 1, 2003, the department shall implement a Prescription Drug Assistance Program. The program shall assist persons seeking information about how to obtain

prescription drugs at a reduced price or no cost. The program shall:

(a) collect eligibility and enrollment information about programs that make prescription drugs available to consumers at a reduced price or no cost;

(b) provide information collected under Subsection (1)(a) to consumers upon request via a toll-free phone line, the Internet, and mail;

(c) inform pharmacists and other health care providers of the Prescription Drug Assistance Program; and

(d) assist consumers in completing applications to participate in programs identified under Subsection (1)(a).

(2) Any pharmaceutical manufacturer, distributor, or wholesaler operating in the state shall:

(a) notify the department of any program operated by it to provide prescription drugs to consumers at a reduced price or no cost; and

(b) provide the department with information about eligibility, enrollment, and benefits.

(3) Pharmacies, as defined in Title 58, Chapter 17b, Pharmacy Practice Act, shall notify their patients of the Prescription Drug Assistance Program. This notification shall include displaying the program's toll-free number, and may include distributing a brochure or oral communication.

(4) The department may accept grants, gifts, and donations of money or property for use by the Prescription Drug Assistance Program.

(5) The department shall report to the Health and Human Services Interim Committee and the Joint Health and Human Services Appropriations Subcommittee on the performance of the Prescription Drug Assistance Program prior to the 2004 and 2005 Annual General Sessions of the Legislature.

Section 3. Section **26-47-103** is enacted to read:

26-47-103. Department to award grants for assistance to persons with bleeding disorders.

(1) For purposes of this section:

(a) "Hemophilia services" means a program for medical care, including the costs of blood transfusions, and the use of blood derivatives and blood clotting factors.

(b) "Person with a bleeding disorder" means a person:

(i) who is medically diagnosed with hemophilia or a bleeding disorder;

(ii) who is not eligible for Medicaid or the Children's Health Insurance Program; and

(iii) who has either:

(A) insurance coverage that excludes coverage for hemophilia services;

(B) exceeded his insurance plan's annual maximum benefits;

(C) exceeded his annual or lifetime maximum benefits payable under Title 31A, Chapter 29, Comprehensive Health Insurance Pool Act; or

(D) insurance coverage available under either private health insurance, Title 31A, Chapter 29, Comprehensive Health Insurance Pool Act, Utah mini COBRA coverage under Section 31A-22-722, or federal COBRA coverage, but the premiums for that coverage are greater than a percentage of the person's annual adjusted gross income as established by the department by administrative rule.

(2) (a) Within appropriations specified by the Legislature for this purpose, the department shall make grants to public and nonprofit entities who assist persons with bleeding disorders with the cost of obtaining hemophilia services or the cost of insurance premiums for coverage of hemophilia services.

(b) Applicants for grants under this section:

(i) must be submitted to the department in writing; and

(ii) must comply with Subsection (3).

(3) Applications for grants under this section shall include:

(a) a statement of specific, measurable objectives, and the methods to be used to assess the achievement of those objectives;

(b) a description of the personnel responsible for carrying out the activities of the grant along with a statement justifying the use of any grant funds for the personnel;

(c) letters and other forms of evidence showing that efforts have been made to secure

financial and professional assistance and support for the services to be provided under the grant;

- (d) a list of services to be provided by the applicant;
- (e) the schedule of fees to be charged by the applicant; and
- (f) other provisions as determined by the department.

(4) The department may accept grants, gifts, and donations of money or property for use by the grant program.

(5) (a) The department shall establish rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, governing the application form, process, and criteria it will use in awarding grants under this section.

(b) The department shall report to the Health and Human Services Interim Committee and to the Legislative Executive Appropriations Committee by November 1, 2006, and every year thereafter on the implementation of the grant program.

Section 4. Section **31A-29-113.5** is enacted to read:

31A-29-113.5. Pilot Program for Chronic Disease and Pharmaceutical Management of Bleeding Disorders.

(1) Beginning July 1, 2005, and ending on July 1, 2010, the pool policy shall include a pilot program for hemophilia and bleeding disorders in accordance with this section.

(2) In accordance with this Subsection (2), the pool's pilot program shall:

(a) permit enrollees in the pool who have hemophilia or a bleeding disorder to participate in a pharmaceutical program for people with hemophilia and bleeding disorders administered by an entity that is qualified as a federal 340B Drug Pricing Program of the Public Health Service Act, enacted in Public Law 102-585, the Veterans Health Care Act of 1992;

(b) pay the eligible medical expenses for the enrollee's participation in the pilot program subject to all applicable plan benefits and limitations; and

(c) may not impose cost containment measures on an enrollee who participates in the pilot program greater than the cost containment measures imposed on other enrollees under the provisions of Subsection 31A-29-113(6).

(3) (a) The pool may establish the pilot program through the best means available for

obtaining the lowest drug discount pricing, including administering the pilot program through the Department of Health's 340B Medicaid drug discount program or the Ryan White HIV drug discount program.

(b) The Department of Health shall assist the pool with administering the pilot program, including assistance in processing claims for the drug discount and chronic disease management services.

(4) (a) The board shall report to the commissioner and to the Health and Human Services Interim Committee prior to October 30, 2010 regarding the claims experience and pharmaceutical costs under the pilot program.

(b) The board may discontinue the pilot program created in this section prior to July 1, 2010, if prior to discontinuing the pilot program:

(i) the board reports on the need to discontinue the pilot program to the Health and Human Services Interim Committee and the Commerce and Revenue Appropriations Subcommittee; and

(ii) either:

(A) the commissioner and the board determine that the requirements of the pilot program jeopardize the actuarial soundness of the pool; or

(B) the entity that is qualified as a 340B Drug Pricing Program is disqualified by federal law from providing 340B drug pricing discounts to enrollees in the pool.

Section 5. Appropriation.

Subject to future budget constraints, there is appropriated as an ongoing appropriation, \$250,000 for fiscal year 2005-06 from the General Fund to the Department of Health for the purpose of funding the hemophilia and bleeding disorders grant program created in Section 26-47-103.

Section 6. Revisor instructions.

It is the intent of the Legislature that, in preparing the Utah Code database for publication, the Office of Legislative Research and General Counsel shall renumber Section 26-47-100 to Section 26-47-101.

