

**PHARMACEUTICAL ACCESS AND DRUG
POLICY ADVISORY SUBCOMMITTEE**

2002 GENERAL SESSION

STATE OF UTAH

Sponsor: David L. Hogue

This act modifies the Health Code. This act creates a Pharmaceutical Access and Drug Policy Advisory Subcommittee of the Department of Health's Medical Care Advisory Committee.

The act directs the subcommittee to study options to improve access to pharmaceuticals for senior citizens, people with disabilities, medicaid recipients, and the uninsured. The act directs the subcommittee to study methods to improve state financing of pharmaceutical coverage and purchasing. The act directs the Department of Health to develop a Medicaid waiver or demonstration project. The act provides legislative oversight of the Medicaid waiver or demonstration project. The act considers the recommendations of the subcommittee advisory.

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

26-18-12, Utah Code Annotated 1953

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

Section 1. Section **26-18-12** is enacted to read:

26-18-12. Drug Policy Advisory Subcommittee.

(1) (a) Immediately after the effective date of this section, the executive director shall appoint a Pharmaceutical Access and Drug Policy Advisory Subcommittee of the Medical Care Advisory Committee.

(b) The subcommittee shall be composed of representatives from the senior citizen, disabled, and low-income communities, health care providers, the pharmaceutical industry, the department, and the division.

(c) A member of the subcommittee shall be appointed to a four-year term.



(d) Notwithstanding the requirements of Subsection (1)(c), the executive director shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of subcommittee members are staggered so that approximately half of the subcommittee is appointed every two years.

(2) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(3) (a) Members shall receive no compensation or benefits for their service, but may receive expenses incurred in the performance of the member's official duties at the rate established by the Division of Finance under Section 63A-3-107.

(b) Members may decline to receive expenses for their services.

(4) The subcommittee shall serve as an advisory subcommittee to the Medical Care Advisory Committee and the executive director.

(5) (a) The executive director shall convene or reconvene a Pharmaceutical Access and Drug Policy Advisory Subcommittee for the purpose of studying options for improving:

(i) access to affordable pharmaceuticals for medicaid recipients, senior citizens, people with disabilities, and low-income, uninsured individuals in the state; and

(ii) state financing of pharmaceutical coverage and purchasing.

(b) Within one year of the creation of the Pharmaceutical Access and Drug Policy Advisory Subcommittee, the department shall develop a Section 1115 waiver or demonstration project application to increase access to affordable pharmaceuticals for medicaid recipients, low-income senior citizens, the disabled and uninsured low-income individuals in the state.

(c) (i) No later than November 30, 2003, and before the adoption of a plan under Subsection (5)(b), the executive director shall submit the proposed Section 1115 waiver or demonstration project to the Health and Human Services Interim Committee for review and recommendations.

(ii) After the Section 1115 waiver or demonstration project is approved by the Centers for Medicare and Medicaid Services and the department adopts the waiver or demonstration project, the Health and Human Services Interim Committee:

(A) shall provide legislative oversight of the Section 1115 waiver or demonstration project; and

(B) may recommend legislation to modify the department's implementation of the Section

59 1115 waiver or demonstration project.

Legislative Review Note

as of 1-4-02 4:32 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel