

1 **ASSISTANCE FOR PEOPLE WITH BLEEDING**
2 **DISORDERS**

3 2005 GENERAL SESSION
4 STATE OF UTAH

5 **Sponsor: David Litvack**

7 **LONG TITLE**

8 **General Description:**

9 This bill amends the Comprehensive Health Insurance Pool act to create a pilot
10 program, establishes a grant process in the Department of Health for assistance to
11 people with bleeding disorders, and creates an ongoing appropriation for fiscal year
12 2005-06 of \$250,000 from the General Fund to a bleeding disorders assistance grant
13 program in the Department of Health.

14 **Highlighted Provisions:**

15 This bill:

- 16 ▶ creates a five-year pilot program within the Comprehensive Health Insurance Pool
17 Act for disease and pharmaceutical management of bleeding disorders;
- 18 ▶ permits enrollees in the pilot program to participate in a federal 340B discounted
19 drug pricing program;
- 20 ▶ requires the Comprehensive Health Insurance Pool to report on its claims
21 experience and pharmaceutical costs under the pilot program;
- 22 ▶ permits the Comprehensive Health Insurance Pool to terminate the pilot program
23 under certain circumstances;
- 24 ▶ establishes a grant program within the Department of Health for assistance to people
25 with bleeding disorders; and
- 26 ▶ makes technical corrections.

27 **Monies Appropriated in this Bill:**



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

31 **Other Special Clauses:**

32 This bill provides revisor instructions.

33 **Utah Code Sections Affected:**

34 ENACTS:

35 **26-47-100**, Utah Code Annotated 1953

36 **26-47-103**, Utah Code Annotated 1953

37 **31A-29-113.5**, Utah Code Annotated 1953

38 RENUMBERS AND AMENDS:

39 **26-47-102**, (Renumbered from 26-47-101, as last amended by Chapter 280, Laws of
40 Utah 2004)

41

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

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

44 **CHAPTER 47. HEALTH CARE ASSISTANCE ACT**

45 **26-47-100. Title.**

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

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

49 ~~[26-47-101].~~ **26-47-102. Prescription Drug Assistance Program.**

50 (1) No later than October 1, 2003, the department shall implement a Prescription Drug
51 Assistance Program. The program shall assist persons seeking information about how to obtain
52 prescription drugs at a reduced price or no cost. The program shall:

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

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

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

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

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

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

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

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

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

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

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

77 **26-47-103. Department to award grants for assistance to persons with bleeding**
78 **disorders.**

79 (1) For purposes of this section:

80 (a) "hemophilia services" means a program for medical care, including the costs of
81 blood transfusions, and the use of blood derivatives and blood clotting factors; and

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

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

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

85 (iii) who has either:

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

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

88 (C) exceeded his annual or lifetime maximum benefits payable under Title 31A,

89 Chapter 29, Comprehensive Health Insurance Pool Act; or

90 (D) insurance coverage available under either ~~H~~→ private health insurance, ←~~H~~ Title
90a 31A, Chapter 29, Comprehensive

91 Health Insurance Pool Act, Utah mini COBRA coverage under Section 31A-22-722, or federal
92 COBRA coverage, but the premiums for that coverage are greater than a percentage of the
93 person's annual adjusted gross income as established by the department by administrative rule.

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

98 (b) Applicants for grants under this section:

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

100 (ii) must comply with Subsection (3).

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

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

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

106 (c) letters and other forms of evidence showing that efforts have been made to secure
107 financial and professional assistance and support for the services to be provided under the
108 grant;

109 (d) a list of services to be provided by the applicant;

110 (e) the schedule of fees to be charged by the applicant; and

111 (f) other provisions as determined by the department.

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

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

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

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

121 **31A-29-113.5. Pilot Program for Chronic Disease and Pharmaceutical**
 122 **Management of Bleeding Disorders.**

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

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

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

130 (b) pay the eligible medical expenses for the enrollee's participation in the pilot
 131 program ~~H→ [in the same manner as an in-network provider]~~ subject to all applicable plan benefits
 131a and limitations ←H ; and

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

135 (3) (a) The pool may establish the pilot program through the best means available for
 136 obtaining the lowest drug discount pricing, including administering the pilot program through
 137 the Department of Health's 340B Medicaid drug discount program or the Ryan White HIV drug
 138 discount program.

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

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

145 (b) The board may discontinue the pilot program created in this section prior to July 1,
 146 2010, if prior to discontinuing the pilot program:

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

150 (ii) either:

151 (A) the commissioner and the board determine that the requirements of the pilot

152 program jeopardize the actuarial soundness of the pool; or
153 (B) the entity that is qualified as a 340B Drug Pricing Program is disqualified by
154 federal law from providing 340B drug pricing discounts to enrollees in the pool.

155 **Section 5. Appropriation.**

156 Subject to future budget constraints, there is appropriated as an ongoing appropriation,
157 \$250,000 for fiscal year 2005-06 from the General Fund to the Department of Health for the
158 purpose of funding the hemophilia and bleeding disorders grant program created in Section
159 26-47-103.

160 **Section 6. Revisor instructions.**

161 It is the intent of the Legislature that, in preparing the Utah Code database for
162 publication, the Office of Legislative Research and General Counsel shall renumber Section
163 26-47-100 to Section 26-47-101.

Legislative Review Note
as of 12-7-04 8:43 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Interim Committee Note
as of 12-08-04 12:38 PM

The Health and Human Services Interim Committee recommended this bill.

State Impact

This bill appropriates \$250,000 from the General Fund to the Department of Health for a bleeding disorders assistance grant program.

	<u>FY 2006</u> <u>Approp.</u>	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2006</u> <u>Revenue</u>	<u>FY 2007</u> <u>Revenue</u>
General Fund	\$250,000	\$250,000	\$0	\$0
TOTAL	\$250,000	\$250,000	\$0	\$0

Individual and Business Impact

Individuals with bleeding disorders could benefit from the provisions of this bill with the assistance of obtaining hemophilia services or insurance.

Office of the Legislative Fiscal Analyst