

HOUSE Substitute for SENATE BILL No. 268

AN ACT concerning the senior pharmacy assistance program; authorizing certain rules and regulations; prescribing powers, duties and functions for the secretary of aging; amending K.S.A. 2002 Supp. 75-5961 and repealing the existing section; also repealing K.S.A. 2002 Supp. 75-5962.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2002 Supp. 75-5961 is hereby amended to read as follows: 75-5961. (a) Within the limits of appropriations therefor, the secretary of aging shall establish a senior pharmacy assistance program in accordance with the provisions of this section. The senior pharmacy assistance program shall provide financial assistance to eligible individuals for the purchase of prescription drugs.

(b) The secretary of aging shall adopt rules and regulations establishing eligibility for the senior pharmacy assistance program subject to the following criteria:

(1) An individual to be eligible for the program must be ~~67~~ 65 years of age or older,

(2) ~~unless modified as provided in K.S.A. 2002 Supp. 75-5962 and amendments thereto,~~ an eligible individual's income must not exceed ~~150%~~ 200% of the federal poverty guidelines for a one person family unit and the individual's household income must not exceed ~~150%~~ 200% of the federal poverty guidelines for a two person family unit,

(3) an eligible individual must not qualify for funding from any other local, state or federal prescription drug program,

(4) an eligible individual must not be covered under any private prescription reimbursement plan, *and*

(5) an eligible individual must not have voluntarily canceled a local, state or federal prescription drug program or a private prescription reimbursement plan, *except in an incidence of financial hardship*, within six months prior to application for enrollment in the senior pharmacy assistance program;

~~(6) unless modified as provided in K.S.A. 2002 Supp. 75-5962 and amendments thereto, prescription drugs eligible for reimbursement shall be limited to maintenance drugs for specified disease states;~~

~~(7) a copayment of 30% of the cost of each prescription shall be established;~~

~~(8) unless modified as provided in K.S.A. 2002 Supp. 75-5962 and amendments thereto, a maximum annual drug benefit of \$1,200 shall be established for each eligible individual, and~~

~~(9) the pharmacy cost reimbursement and dispensing fee shall be established by the secretary of aging.~~

(c) The secretary of aging shall adopt rules and regulations as necessary to implement the provisions of the senior pharmacy assistance program *at a level that can be supported within appropriated funds available therefor. The secretary of aging shall adopt rules and regulations which establish the benefits, limitations and cost-sharing requirements for the senior pharmacy assistance program.* Enrollment in the program shall be in accordance with applications and procedures established by the secretary of aging.

(d) ~~Appropriations for the senior pharmacy assistance program shall be from the interest or earnings from the senior services trust fund and shall be made in accordance with appropriation acts. The provisions of this section and the senior pharmacy assistance program are hereby suspended on the day upon which payments commence under any federal law enacted on or after the effective date of this act which provides financial assistance for the purchase of prescription drugs to individuals eligible for financial assistance for the purchase of prescription drugs.~~

(e) ~~As used in this section:~~

~~(1) "Income" means income from whatever source derived, and~~

~~(2) "federal poverty guidelines" means the most recent poverty guidelines as published annually in the federal register by the United States department of health and human services.~~

Sec. 2. K.S.A. 2002 Supp. 75-5961 and 75-5962 are hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the SENATE, and passed that body

SENATE concurred in
HOUSE amendments _____

President of the Senate.

Secretary of the Senate.

Passed the HOUSE
as amended _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.