

CHAPTER 377

HEALTH CARE POLICY AND FINANCING

HOUSE BILL 07-1021

BY REPRESENTATIVE(S) Frangas, Butcher, Stafford, Todd, Borodkin, Casso, Garcia, Gibbs, Green, Hodge, Kefalas, Kerr A., Labuda, Looper, Madden, Peniston, Riesberg, Romanoff, Solano, Soper, Witwer, and Carroll M.;
also SENATOR(S) Keller, Tochtrop, Boyd, Groff, Johnson, Taylor, and Windels.

AN ACT

CONCERNING THE PRESCRIPTION DRUG CONSUMER INFORMATION AND TECHNICAL ASSISTANCE PROGRAM, AND MAKING AN APPROPRIATION THEREFOR.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 25.5-5-503 (2), Colorado Revised Statutes, is amended to read:

25.5-5-503. Prescription drug benefits - authorization - dual-eligible participation. (2) Prescribed drugs shall not be a covered benefit under the medical assistance program for a recipient who is ~~enrolled in~~ ELIGIBLE FOR a prescription drug benefit program under medicare; except that, if a prescribed drug is not a covered Part D drug as defined in the "Medicare Prescription Drug, Improvement, and Modernization Act of 2003", ~~P.L. 108-173~~, PUB.L. 108-173, the prescribed drug may be a covered benefit if it is otherwise covered under the medical assistance program and federal financial participation is available.

SECTION 2. Part 5 of article 5 of title 25.5, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

25.5-5-507. Prescription drug information and technical assistance program - rules. THERE IS HEREBY CREATED THE PRESCRIPTION DRUG INFORMATION AND TECHNICAL ASSISTANCE PROGRAM. THE PROGRAM SHALL PROVIDE ADVICE ON THE PRUDENT USE OF PRESCRIPTION DRUGS TO PERSONS WHO RECEIVE PRESCRIPTION DRUG BENEFITS PURSUANT TO THIS PART 5. THE STATE DEPARTMENT SHALL CONTRACT WITH LICENSED PHARMACISTS FOR STATEWIDE MEDICAID PHARMACY SERVICES AND PHARMACY CONSULTATIONS FOR PERSONS RECEIVING PRESCRIPTION DRUG BENEFITS PURSUANT TO THIS PART 5 REGARDING HOW EACH PERSON MAY, WITH THE APPROVAL OF THE APPROPRIATE PRESCRIBING HEALTH CARE PROVIDER,

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

AVOID DANGEROUS DRUG INTERACTIONS, IMPROVE PATIENT OUTCOMES, AND SAVE THE STATE MONEY FOR THE DRUGS PRESCRIBED. THE STATE DEPARTMENT SHALL PROMULGATE RULES TO ESTABLISH AND ADMINISTER THE PROGRAM AND TO PROVIDE INCENTIVE PAYMENTS TO PHARMACISTS AND PHYSICIANS WHO PARTICIPATE IN THE PROGRAM. THE STATE DEPARTMENT SHALL DESIGN A CALCULATION FOR SAVINGS UNDER THE PROGRAM.

SECTION 3. Appropriation - adjustment to the 2007 long bill. (1) For the implementation of this act, appropriations made in the annual general appropriation act to the department of health care policy and financing, for the fiscal year beginning July 1, 2007, shall be adjusted as follows:

(a) The general fund appropriation to the executive director's office is increased by the sum of thirty-five thousand five hundred twenty-four dollars (\$35,524) and 1.0 FTE. Said sum shall be subject to the "(M)" notation as defined in the general appropriation act. In addition to said appropriation, the general assembly anticipates that, for the fiscal year beginning July 1, 2007, the department of health care policy and financing will receive the sum of forty-three thousand nine hundred ninety-eight dollars (\$43,998) in federal funds for the implementation of this act. Although the federal funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds in developing state appropriation amounts.

(b) The appropriation for the medical services premiums division is decreased by six hundred twenty-four thousand eight hundred three dollars (\$624,803). Of said sum, three hundred twelve thousand four hundred one dollars (\$312,401) shall be from the general fund and three hundred twelve thousand four hundred two dollars (\$312,402) shall be from federal funds.

SECTION 4. Effective date. This act shall take effect July 1, 2007.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 31, 2007