

CHAPTER 237

HEALTH CARE POLICY AND FINANCING

SENATE BILL 08-090

BY SENATOR(S) Hagedorn, Boyd, Groff, Romer, and Taylor;
also REPRESENTATIVE(S) McGihon, Borodkin, Fischer, and Green.

AN ACT

CONCERNING MAIL-ORDER PRESCRIPTION DRUGS UNDER THE STATE MEDICAL ASSISTANCE PROGRAM, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. 25.5-5-505 (1), Colorado Revised Statutes, is amended to read:

25.5-5-505. Prescribed drugs - mail order - rules. (1) (a) (I) The state board shall adopt by rule a system to allow THE FOLLOWING medical assistance recipients ~~who suffer from a physical hardship that prohibits the recipient from obtaining prescription medications from a local pharmacy~~ to receive prescribed maintenance medications through mail order:

(A) RECIPIENTS WHO SUFFER FROM A PHYSICAL HARDSHIP THAT PROHIBITS THE RECIPIENT FROM OBTAINING PRESCRIPTION MEDICATIONS FROM A LOCAL PHARMACY;
AND

(B) RECIPIENTS WHO HAVE THIRD-PARTY INSURANCE THAT REQUIRES THE RECIPIENT TO OBTAIN MAINTENANCE MEDICATIONS THROUGH MAIL ORDER.

(II) The state board shall include in the rules the definition of maintenance medications. The rules may allow for a medical assistance recipient who qualifies to receive medication through mail order pursuant to this section, to receive up to a three-month supply, or the maximum allowed under federal law, of maintenance medications used to treat chronic medical conditions.

(b) The state board shall, to the extent possible, require the use of local pharmacies that are able to provide the same services as mail order. To the extent allowed by federal law, the state department shall require that the same copayment

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

amount be paid by a medical assistance recipient receiving prescription medication through mail order as a medical assistance recipient receiving prescription medication from a local pharmacy.

(c) A NONRESIDENT PRESCRIPTION DRUG OUTLET DOING BUSINESS IN THIS STATE SHALL PROVIDE A MEANS FOR RECIPIENTS OF STATE MEDICAL ASSISTANCE WHO HAVE THIRD-PARTY INSURANCE WITH WHOM THE NONRESIDENT PRESCRIPTION DRUG OUTLET HAS A CONTRACTUAL RELATIONSHIP TO RECEIVE THEIR REQUIRED PHARMACY BENEFITS AT A COST TO THE RECIPIENTS OF NO MORE THAN THE LEGALLY ALLOWED STATE MEDICAL ASSISTANCE COPAYMENT. IF A THIRD-PARTY INSURANCE CARRIER'S COPAYMENT OR DEDUCTIBLE FOR PHARMACY BENEFITS IS LARGER THAN THE LEGALLY ALLOWED STATE MEDICAL ASSISTANCE COPAYMENT, THE PRESCRIPTION DRUG OUTLET MAY BILL THE STATE MEDICAL ASSISTANCE PROGRAM FOR THE DIFFERENCE PURSUANT TO STATE MEDICAL ASSISTANCE REIMBURSEMENT RULES.

SECTION 2. Appropriation - adjustments to the 2008 long bill. For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2008, to the department of health care policy and financing, division of medical services premiums, for medical services premiums, are decreased by two hundred seventy-nine thousand two hundred seventy-two dollars (\$279,272). Of said sum, one hundred thirty-nine thousand six hundred thirty-six dollars (\$139,636) shall be from the general fund and one hundred thirty-nine thousand six hundred thirty-six dollars (\$139,636) shall be from federal funds.

SECTION 3. 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 20, 2008