

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 1330

6  
7 H.P. 997

House of Representatives, March 24, 1983

8 Speaker laid before the House and referred to Committee on Appropria-  
9 tions and Financial Affairs. Sent up for concurrence and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Hayden of Durham.

Cosponsors: Speaker Martin of Eagle Lake, Representative Nelson of  
11 Portland and Senator Clark of Cumberland.

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-THREE  
16

17 AN ACT to Authorize Coverage of Medical  
18 Supplies Under the Low Cost Drugs for the  
19 Elderly Program.  
20

21 Be it enacted by the People of the State of Maine as  
22 follows:

23 22 MRSA §254, as amended by PL 1981, c. 470, Pt.  
24 A, §§57, 58, and 59, is further amended to read:

25 §254. Elderly low cost drug program

26 The Department of Human Services is authorized to  
27 may conduct a program to provide low cost prescrip-  
28 tion and nonprescription drugs and, medication and  
29 medical supplies to disadvantaged, elderly individu-  
30 als. The person responsible for administration of  
31 this program must be either a Maine licensed pharma-  
32 ceutist, physician, osteopathic physician or dentist, or  
33 must be under the administrative supervision of some-  
34 one meeting these specifications. The commissioner

1 is required to provide for sufficient personnel to  
2 ensure efficient administration of the program. The  
3 extent and the magnitude of this program will be  
4 determined by the Commissioner of Human Services and  
5 will be determined on the basis of the calculated  
6 need of the recipient population and the available  
7 funds. The department ~~is~~ may not ~~authorized to~~ spend  
8 more on the conduct of this program than is available  
9 either through appropriations from the General Fund,  
10 dedicated revenue, federal or other grants and other  
11 established and committed funding sources. The com-  
12 missioner ~~is authorized to~~ may accept for the pur-  
13 poses of carrying out this program federal funds  
14 appropriated under any federal law relating to the  
15 furnishing of free or low cost drugs to the disadvan-  
16 taged, elderly individuals and ~~to~~ do such acts as are  
17 necessary for the purposes of carrying out such fed-  
18 eral law; and ~~to~~ accept from any other agency of gov-  
19 ernment, individual, group or corporation such funds  
20 as may be available to carry out this chapter.

21 The commissioner ~~is authorized to~~ may adopt rules  
22 ~~and regulations~~ relating to the conduct of this pro-  
23 gram. These rules ~~and regulations~~ shall be promul-  
24 gated in accordance with the Maine Administrative  
25 Procedure Act, Title 5, chapter 375, and shall be  
26 related to the following aspects of this program:

27 1. Prescription and nonprescription drugs. The  
28 kinds of prescription and nonprescription drugs ~~and,~~  
29 medications and medical supplies which may be made  
30 available through the operation of this program;

31 2. Individuals eligible for participation. Eli-  
32 gibility status of individuals shall be determined by  
33 the State Tax Assessor pursuant to Title 36, ~~e-~~ chap-  
34 ter 905;

35 3. Specifications for administration of program.  
36 Specifications for the administration and management  
37 of the program which may include, but not be limited  
38 to, program objectives, accounting and handling prac-  
39 tices, supervisory authority and evaluation  
40 methodology;

41 4. Method of prescribing or ordering drugs. The  
42 method of prescribing or ordering such drugs which

1 may include, but not be limited to, the use of  
2 generic prescribing and the use of standard prescrip-  
3 tion refill sizes so as to minimize operational  
4 costs;

5 4-A. Payment for drugs provided. The commis-  
6 sioner may establish the amount of payment to be made  
7 by recipients toward the cost of prescription or  
8 nonprescription drugs and, medication and medical  
9 supplies furnished under this program; and

10 5. Other rules. Such other rules and regulations  
11 as may be necessary to efficiently and effectively  
12 manage and operate a program within the intent of  
13 this section.

14 The Commissioner of Human Services shall estab-  
15 lish, or shall require the person responsible for  
16 administration of this program to establish, a  
17 planned program of solicitation of funds and, drugs  
18 and supplies for this program from agencies of gov-  
19 ernment, individuals, groups and corporations. A  
20 register of solicitations shall be kept, which shall  
21 include at least the name, address and business of  
22 the agency, individual, group or corporation from  
23 whom funds and, drugs and supplies are solicited, as  
24 well as the date, time and result of the sollicita-  
25 tion. This register shall be a public record and  
26 shall be sent to the Governor every 6 months for his  
27 inspection.

28 The department ~~is also authorized to~~ may form an  
29 advisory committee which it may consult for technical  
30 information regarding the nature and operation of  
31 this particular program. The nature and composition  
32 of the advisory committee shall be at the discretion  
33 of the Governor, or at his direction, at the discre-  
34 tion of the Commissioner ~~of the Department~~ of Human  
35 Services. The members of ~~such~~ that advisory commit-  
36 tee shall serve without compensation; ~~however,~~ the  
37 department ~~is authorized to~~ may disburse funds from  
38 an account created pursuant to this section to defray  
39 the reasonable costs associated with formulation of  
40 policy and the carrying out of activities of this  
41 committee. The department ~~is further authorized to~~  
42 may disburse funds from the account set up to carry  
43 out the purposes of this section to reimburse members

1 of the advisory committee for their reasonable  
2 expenses incurred in carrying out their duties under  
3 this section. In no circumstance shall may expendi-  
4 tures of over \$3,000 per year be incurred for the  
5 operation of this committee and all such expenditures  
6 must be approved by the Governor.

7 The Commissioner of Finance and Administration ~~is~~  
8 authorized to may create a dedicated revenue account  
9 to receive moneys pursuant to this section from what-  
10 ever source is available which money may be disbursed  
11 solely for the purposes of implementing this section.

12 STATEMENT OF FACT

13 This bill enables the Department of Human Ser-  
14 vices to expand the low cost drugs for the elderly  
15 program to include such medical supplies as deter-  
16 mined by the commissioner based on recipient need and  
17 availability of funds.

18 This bill provides greater flexibility in the  
19 hiring of staff to administer the low cost drugs for  
20 the elderly program. At the time of the establish-  
21 ment of the program, the Bureau of Medical Services  
22 did not exist as a unit within the Department of  
23 Human Services. Since then, the Bureau of Medical  
24 Services has been established and has assumed respon-  
25 sibility for administration of this program. As an  
26 integral and on going function of administering this  
27 and other medical assistance programs, the bureau  
28 retains several professional consultants, including a  
29 physician, dentist and pharmacist.

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