

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1203

S.P. 414

In Senate, February 11, 1999

An Act to Increase Access to Prescription Drugs for the Elderly and for Disabled Persons.

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator PINGREE of Knox.
Cosponsored by Representative LOVETT of Scarborough and
Senator BENNETT of Oxford, Representatives: BERRY of Livermore, BROOKS of
Winterport, KANE of Saco, KNEELAND of Easton, QUINT of Portland, Speaker ROWE of
Portland, TOWNSEND of Portland.

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

2 Sec. 1. 22 MRSA §254, sub-§2, as amended by PL 1983, c. 290,
4 is repealed and the following enacted in its place:

6 2. Individuals eligible for participation. An individual
8 is eligible under this program if the requirements of paragraphs
A and B are met.

10 A. The household income of the individual must meet the
12 requirements of this paragraph.

14 (1) If the household income, as defined in Title 36,
16 section 6201, subsection 7, is less than or equal to
18 185% of the nonfarm income official poverty line. The
20 official poverty line is that applicable to a household
22 of the size involved, as defined by the federal Office
of Management and Budget and revised annually in
accordance with the United States Omnibus Budget
Reconciliation Act of 1981, Section 673, Subsection 2;
or

24 (2) If the household spends at least 25% of its income
26 on unreimbursed direct medical expenses for
prescription drugs and the household income is as
follows:

28 (a) One hundred eighty-six percent to 200% of the
30 nonfarm income official poverty line. A person
32 who qualifies under this subparagraph shall pay a
co-payment of 30% for drugs provided under the
program;

34 (b) Two hundred one percent to 250% of the
36 nonfarm income official poverty line. A person
38 who qualifies under this subparagraph shall pay a
co-payment of 45% for drugs provided under the
program; or

40 (c) Two hundred fifty-one percent to 300% of the
42 nonfarm income official poverty line. A person
44 who qualifies under this subparagraph shall pay a
co-payment of 60% for drugs provided under the
program.

46 For the purposes of this paragraph, the costs of drugs
48 provided to a household under this chapter are considered a
cost spent by the household for eligibility determination
purposes.

50

2 B. The individual or a member of the individual's household
3 must belong to one of the 4 categories of persons listed in
4 this paragraph.

5 (1) At least one member of the individual's household
6 has attained 62 years of age during the year for which
7 relief is requested;

8 (2) The individual is currently not married and has
9 attained 55 years of age during the year for which
10 relief is requested and is, due to disability,
11 receiving federal disability payments, such as
12 supplemental security income;

13 (3) The individual is currently married and has
14 attained 55 years of age during the year for which
15 relief is requested and both the individual and the
16 individual's spouse are, due to disability, receiving
17 federal disability payments, such as supplemental
18 security income; or

19 (4) The individual is disabled and, due to disability,
20 receives federal disability payments.

21 **Sec. 2. 22 MRSA §254, sub-§9** is enacted to read:

22 **9. Prescription drugs provided.** Prescription drugs
23 provided under the program must include all prescription drugs
24 provided under the Medicaid program under this Title.

25 **Sec. 3. 22 MRSA §3174-G, sub-§1-A,** as enacted by PL 1997, c.
26 643, Pt. RR, §4, is amended to read:

27 **1-A. Elderly prescription drug program.** The department
28 shall apply to the federal Health Care Financing Administration
29 for a waiver to provide Medicaid prescription drug benefits to
30 qualified persons 62 years of age or older and persons 20 years
31 of age and older who are considered to be disabled, by the
32 standards of the federal Social Security program. The department
33 must seek the highest income level for which the department is
34 able to obtain federal approval. The department shall limit the
35 state share of program costs to the General Fund amounts
36 available to the department from appropriations to the Low Cost
37 Drugs for Maine's Elderly program and funds received pursuant to
38 section 3174-R. The department shall pursue this waiver in the
39 manner most likely to receive federal approval, including
40 packaging this request in a larger waiver request with other
41 Medicaid initiatives for which the department must seek a waiver
42 of any type or another form of approval from the federal Health
43 Care Financing Administration. The waiver request required by
44 this subsection must be submitted to the federal Health Care
45 Financing Administration no later than January 1, 1999. The

2 department shall report its progress in obtaining the waiver to
the Joint Standing Committee on Appropriations and Financial
4 Affairs and the Joint Standing Committee on Health and Human
Services no later than October 1, 1998. The department shall
6 submit legislation to provide coverage under this section prior
to providing such coverage.

8 **Sec. 4. 36 MRSA §6162-A, sub-§2**, as amended by PL 1997, c.
643, Pt. RR, §6, is further amended to read:

10
12 **2. Income.** Eligibility for this program is determined by
~~the same income levels as eligibility for elderly households is~~
14 ~~determined under chapter 907, except that individuals are also~~
~~eligible for this program if the household spends at least 40% of~~
16 ~~its income on unreimbursed direct medical expenses for~~
~~prescription drugs and the household income is not more than 25%~~
18 ~~higher than the levels specified in chapter 907 according to~~
Title 22, section 254, subsection 2. ~~For the purposes of this~~
20 ~~subsection, the costs of drugs provided to a household under this~~
~~chapter is considered a cost spent by the household for~~
22 ~~eligibility determination purposes.~~

24 **Sec. 5. 36 MRSA §6162-A, sub-§6**, as enacted by PL 1987, c.
528, §2, is repealed.

26
28

SUMMARY

30 This bill expands eligibility for the elderly low-cost drug
program to 300%, with persons above 185% paying increased
32 co-payments on a sliding scale of the federal poverty line. It
preserves the provisions that allow eligibility to be determined
34 in part on the cost of prescription drugs. It expands the
prescription drugs available under the program to the same
36 prescription drugs that are offered under the Medicaid program.
It also adds eligibility for disabled persons to the Medicaid
waiver application for a Medicaid prescription drug program.