

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



122nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2006

Legislative Document

No. 1959

S.P. 753

In Senate, January 10, 2006

**An Act To Guarantee Access to Medically Necessary Medications
during the Implementation of the Medicare Part D Prescription
Drug Program**

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

A handwritten signature in cursive script, reading 'Joy J. O'Brien'.

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BRENNAN of Cumberland.
Cosponsored by Representative PINGREE of North Haven and
Senators: BRYANT of Oxford, DAMON of Hancock, President EDMONDS of Cumberland,
MAYO of Sagadahoc, ROTUNDO of Androscoggin, Representatives: BRAUTIGAM of
Falmouth, BRYANT of Windham, CUMMINGS of Portland, PERRY of Calais, Speaker
RICHARDSON of Brunswick.

1 **Emergency preamble. Whereas,** acts of the Legislature do not become effective
2 until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** the Medicare Part D prescription drug program poses for many seniors
4 and persons with disabilities great difficulties in evaluating the best drug program and in
5 completing enrollment and placing them at risk of losing adequate drug coverage and
6 endangering their health; and

7 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
8 the meaning of the Constitution of Maine and require the following legislation as
9 immediately necessary for the preservation of the public peace, health and safety; now,
10 therefore,

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

12 **Sec. 1. Report.** The Department of Health and Human Services shall report 2
13 weeks after the effective date of this Act and bimonthly thereafter during the Second
14 Regular Session of the 122nd Legislature and the First Regular Session of the 123rd
15 Legislature with a final report due January 30, 2007 on the status of implementation of
16 the Medicare Part D prescription drug program to the joint standing committee of the
17 Legislature having jurisdiction over health matters. The reports must include a
18 comprehensive analysis of the status of participants enrolled in the program, including the
19 number of telephone calls for assistance received by the department from persons needing
20 assistance in enrolling in Medicare Part D, the number of calls from persons who are
21 unable to access necessary prescription drugs that they were previously able to access
22 through other means, the number of persons enrolled in Medicare Part D prescription
23 drug plans and other information quantifying the problems encountered by persons and,
24 to the extent possible, pharmacies and other entities distributing needed medications
25 during the implementation of the Medicare Part D prescription drug program.

26 **Sec. 2. Medicare Part D emergency fund.** The Department of Health and
27 Human Services shall establish an emergency fund to provide 90 days, beginning January
28 1, 2006, of continued coverage of drugs currently provided through MaineCare or the
29 elderly low-cost drug program under the Maine Revised Statutes, Title 22, section 254-D
30 for persons who were not able to enroll in a Medicare Part D prescription drug plan prior
31 to January 1, 2006 and for those persons who enrolled in a plan but are not able to access
32 the coverage for reasons beyond their control. The fund must also provide coverage for
33 individuals for drugs currently provided through MaineCare or the elderly low-cost drug
34 program but that are not covered by the Medicare Part D prescription drug plan in which
35 they are enrolled.

36 **Sec. 3. Federal State Pharmacy Assistance Program.** The Department of
37 Health and Human Services shall study all options available for using the federal State
38 Pharmacy Assistance Program to supplement coverage to Medicare Part D participants
39 who would otherwise be eligible for MaineCare or the elderly low-cost drug program
40 under the Maine Revised Statutes, Title 22, section 254-D to assist with lapses in
41 coverage, such as the deductible or the doughnut hole. The Department of Health and
42 Human Services shall submit its findings to the Joint Standing Committee on Health and
43 Human Services by April 1, 2006. The report must include details on how recipients may
44 utilize the federal State Pharmacy Assistance Program and any prescription drug discount

1 programs and how costs associated with those programs are applied to the deductible and
2 doughnut hole.

3 **Sec. 4. Appropriations and allocations.** The following appropriations and
4 allocations are made.

5 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

6 **Medical Care - Payments to Providers**

7 Initiative: Provides additional resources for outreach to persons eligible for benefits under
8 the Medicare Part D prescription drug program and prescription drug benefits under the
9 MaineCare program under the Maine Revised Statutes, Title 22, section 3174-G or
10 waivers obtained by the State under the MaineCare program. These resources will be
11 used to help link people to the appropriate prescription drug coverage to prevent their
12 being put at risk and to enable them to obtain medically necessary prescription drugs in a
13 timely manner.

14			
15	GENERAL FUND	2005-06	2006-07
16	All Other	\$200,000	\$200,000
17			
18	GENERAL FUND TOTAL	\$200,000	\$200,000

19 **Medical Care - Payments to Providers**

20 Initiative: Provides additional resources for outreach to persons eligible for benefits under
21 the Medicare Part D prescription drug program and prescription drug benefits under the
22 MaineCare program under the Maine Revised Statutes, Title 22, section 3174-G or
23 waivers obtained by the State under the MaineCare program. These resources will be
24 used to help link people to the appropriate prescription drug coverage to prevent their
25 being put at risk and to enable them to obtain medically necessary prescription drugs in a
26 timely manner.

27			
28	FEDERAL EXPENDITURES FUND	2005-06	2006-07
29	All Other	\$356,000	\$356,000
30			
31	FEDERAL EXPENDITURES FUND TOTAL	\$356,000	\$356,000

32 **Elderly Low-cost Drug Program**

33 Initiative: Provides additional resources for outreach to persons eligible for benefits under
34 the Medicare Part D prescription drug program and prescription drug benefits under the
35 elderly low-cost drug program under the Maine Revised Statutes, Title 22, section 254-D.
36 These resources will be used to help link people to the appropriate prescription drug
37 coverage to prevent their being put at risk and to enable them to obtain medically
38 necessary prescription drugs in a timely manner.

39			
40	GENERAL FUND	2005-06	2006-07

1	All Other	\$400,000	\$400,000
2			
3	GENERAL FUND TOTAL	<u>\$400,000</u>	<u>\$400,000</u>
4			
5	HEALTH AND HUMAN SERVICES,		
6	DEPARTMENT OF		
7	DEPARTMENT TOTALS	2005-06	2006-07
8			
9	GENERAL FUND	\$600,000	\$600,000
10	FEDERAL EXPENDITURES FUND	\$356,000	\$356,000
11			
12	DEPARTMENT TOTAL - ALL FUNDS	<u>\$956,000</u>	<u>\$956,000</u>

13 **Emergency clause.** In view of the emergency cited in the preamble, this Act takes
14 effect when approved.

15 **SUMMARY**

16 This bill directs the Department of Health and Human Services to report 2 weeks
17 after the effective date of this bill and thereafter bimonthly until January 30, 2007 on the
18 status of implementation of the Medicare Part D prescription drug program to the joint
19 standing committee of the Legislature having jurisdiction over health matters. The
20 reports must include a comprehensive analysis of the status of participants enrolled in the
21 program, including the number of telephone calls received by the department from
22 persons needing assistance in enrolling in Medicare Part D, the number of calls from
23 persons who are unable to access necessary prescription drugs that they were previously
24 able to access through other means, the number of persons enrolled in Medicare Part D
25 prescription drug plans and other information quantifying the problems encountered by
26 persons and, to the extent possible, pharmacies and other entities distributing needed
27 medications during the implementation of the Medicare Part D prescription drug
28 program. This bill contains appropriations and allocations for outreach under the
29 MaineCare program and the elderly low-cost drug program. The appropriations are for
30 \$200,000 for each year for Medicaid seed money and \$400,000 for each year for the
31 elderly low-cost drug program. The allocations are for federal matching funds to match
32 the Medicaid seed funds. All funding is for outreach to link eligible persons with the
33 appropriate Medicare Part D prescription drug plans.

34 The bill also directs the Department of Health and Human Services to establish a
35 Medicare Part D emergency fund that will provide 90 days from January 1, 2006 of
36 continued coverage of drugs that are currently provided through MaineCare or the elderly
37 low-cost drug program. The bill also directs the Department of Health and Human
38 Services to study all options available for using the federal State Pharmacy Assistance
39 Program and to present its results to the Joint Standing Committee on Health and Human
40 Services by April 1, 2006.