

SENATE FILE NO. SF0034

Prescription drug assistance program.

Sponsored by: Joint Labor, Health and Social Services Interim Committee

A BILL

for

1 AN ACT relating to Wyoming Medical Assistance and Services  
2 Act; creating the prescription drug program under the  
3 Wyoming Medical Assistance and Services Act; specifying  
4 eligibility criteria; specifying which drugs qualify for  
5 payment under the program; establishing procedures;  
6 limiting benefits as specified; providing an appropriation;  
7 authorizing positions; and providing for an effective date.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 42-4-118 is created to read:

12

13 **42-4-118. Prescription drug assistance program**  
14 **created; eligibility criteria; benefits provided; coverage**  
15 **of medications.**

16

1           (a) There is created a prescription drug assistance  
2 program to assist residents of the state. The program shall  
3 be a state funded program to provide prescription drug  
4 assistance, in addition to the services provided under the  
5 Wyoming Medical Assistance and Services Act. Effective July  
6 1, 2002, the prescription drug assistance program shall  
7 replace the minimum medical program. Eligibility for  
8 assistance under the program created by this section shall  
9 not constitute an entitlement and services shall be  
10 provided under this section only to the extent funds are  
11 available.

12

13           (b) Residents of the state may apply for the  
14 prescription drug assistance program in the manner provided  
15 in W.S. 42-4-106. Upon a determination of eligibility, the  
16 applicant remains eligible for assistance under the  
17 prescription drug assistance program as provided in this  
18 section. If a recipient ceases to be a resident of the  
19 state, his eligibility under the program shall terminate.  
20 The department shall by rule and regulation establish  
21 income eligibility guidelines on a sliding scale no later  
22 than July 1 of each year based on the federal poverty  
23 levels in effect on January 1 of such calendar year. The  
24 rules shall take into consideration family size up to four

1 (4) individuals. Eligibility for families consisting of  
2 more than four (4) individuals shall be determined on the  
3 basis of the income of a family of four (4) individuals.  
4 Persons eligible for prescription drug assistance under  
5 other state or federal programs, except the state high risk  
6 health insurance pool, shall be ineligible for assistance  
7 under the prescription drug assistance program. Three (3)  
8 categories of eligibility shall be established as follows:

9

10 (i) One hundred percent (100%) of the federal  
11 poverty level or less;

12

13 (ii) Greater than one hundred percent (100%) but  
14 not more than one hundred fifty percent (150%) of the  
15 federal poverty level;

16

17 (iii) Greater than one hundred fifty percent  
18 (150%) but not more than two hundred percent (200%) of the  
19 federal poverty level.

20

21 (c) Except as provided by this subsection, an  
22 eligibility determination made under subsection (b) of this  
23 section shall be valid for one (1) year. A recipient whose  
24 monthly income changes by more than one-third (1/3), shall

1 report the change in income to the department. Such  
2 recipient is entitled to a redetermination if his income  
3 has declined and may, at the option of the department, be  
4 subject to a redetermination if his income has increased.

5  
6 (d) Upon a determination of income eligibility, an  
7 eligible family shall pay an initial enrollment fee of  
8 twenty dollars (\$20.00) per recipient and a continuing  
9 enrollment fee of twenty dollars (\$20.00) per recipient  
10 annually thereafter as long as the recipient remains  
11 eligible for services under this section. The fee shall be  
12 collected by the department of family services and shall be  
13 deposited in the general fund. In addition, for the first  
14 three (3) full calendar months of eligibility each  
15 recipient shall be required to pay a monthly deductible of  
16 one thousand dollars (\$1,000.00) before receiving any  
17 benefits under the program. No person shall be subject to  
18 this initial high deductible requirement more than one (1)  
19 time unless he has not participated in the prescription  
20 drug assistance program for five (5) years or more. A  
21 person qualifying pursuant to paragraph (b)(i) of this  
22 section shall not pay the initial enrollment fee or  
23 continuing enrollment fees or the deductible. After the  
24 first three (3) months of eligibility, the following

1 recipients shall be subject to the following monthly  
2 deductibles and copayment for prescription drugs, with the  
3 program paying the balance:

4  
5 (i) For a person found eligible under paragraph  
6 (b)(i) of this section, the recipient shall not be required  
7 to pay a deductible, including the initial three (3) month  
8 deductible, but shall be required to pay a copayment per  
9 prescription of ten dollars (\$10.00) for generic drugs and  
10 twenty-five dollars (\$25.00) for brand name drugs;

11

12 (ii) For a recipient found eligible under  
13 paragraph (b)(ii) of this section, the recipient shall be  
14 required to pay a deductible of one hundred dollars  
15 (\$100.00) each month, and a copayment per prescription of  
16 ten dollars (\$10.00) for generic drugs and twenty-five  
17 dollars (\$25.00) for brand name drugs;

18

19 (iii) For a recipient found eligible under  
20 paragraph (b)(iii) of this section, the recipient shall be  
21 required to pay a deductible of three hundred dollars  
22 (\$300.00) each month, and a copayment per prescription of  
23 ten dollars (\$10.00) for generic drugs and twenty-five  
24 dollars (\$25.00) for brand name drugs.

1

2 (e) The department shall project costs of the program  
3 created by this section at least quarterly and compare  
4 those projected costs against the funds appropriated for  
5 the program. If the funds available to the program are  
6 insufficient to meet the projected costs of the program,  
7 the department shall take action to prevent the program  
8 from incurring costs beyond available funds, including  
9 taking any of the following actions:

10

11 (i) Imposing a moratorium on new enrollments in  
12 the program;

13

14 (ii) Reducing the gross family income  
15 eligibility levels specified in subsection (b) of this  
16 section;

17

18 (iii) Increasing the deductibles specified in  
19 subsection (d) of this section;

20

21 (iv) Imposing higher prescription drug  
22 copayments, except for persons qualifying pursuant to  
23 paragraph (b) (i) of this section;

24

1           (v) Eliminating specified drugs from eligibility  
2 under the program;

3

4           (vi) Carrying claims for payment into the next  
5 biennium if the amount of claims are less than one twenty-  
6 fourth (1/24) of the appropriation that has been enacted  
7 for the next biennium.

8

9           (f) Only prescription drugs that are medically  
10 necessary and cost effective are reimbursable under the  
11 program created by this section. In determining which drugs  
12 are reimbursable the department shall consult with the drug  
13 utilization review board for Wyoming established pursuant  
14 to Title XIX of the federal Social Security Act.

15

16           **Section 2.** There is appropriated five million three  
17 thousand three hundred dollars (\$5,003,300.00) from the  
18 general fund to the department of health for the fiscal  
19 year beginning July 1, 2002, to implement the purposes of  
20 this act. The department of health is authorized one (1)  
21 additional full-time employee. There is appropriated two  
22 hundred ninety-five thousand six hundred fifty dollars  
23 (\$295,650.00) from the general fund to the department of  
24 family services for fiscal year beginning July 1, 2002, to

1 implement purposes of this act. The department of family  
2 services is authorized four (4) additional full-time and  
3 five (5) additional part-time employees.

4

5       **Section 3.** This act is effective immediately upon  
6 completion of all acts necessary for a bill to become law  
7 as provided by Article 4, Section 8 of the Wyoming  
8 Constitution.

9

10

(END)