

ACT 264

S.B. NO. 3003

A Bill for an Act Relating to the State Pharmacy Assistance Program.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 346-343, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

“(a) All residents of the State shall be eligible to participate in the state pharmacy assistance program; provided that the applicant:

- (1) Is a resident of Hawaii;
- (2) Is sixty-five years or older, or is disabled and receiving a social security benefit;
- (3) Has a household income at or below one hundred fifty per cent of the federal poverty level;
- (4) Meets the asset test; and
- (5) Is not a member of a retirement plan who is receiving a benefit from the Medicare Modernization Act.

(b) State pharmacy assistance program applicants who are enrolled in any other public assistance program providing pharmaceutical benefits, other than the Medicare Modernization Act[;] and medicaid, shall be ineligible for the state pharmacy assistance program as long as they receive pharmaceutical benefits from that other public assistance program, unless the applicant is eligible for medicare. Residents who qualify for, or are enrolled in, the Hawaii ~~[[Rx plus program]]~~ shall be eligible for the state pharmacy assistance program; provided that they meet all other state pharmacy assistance program requirements.”

SECTION 2. Section 346-344, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

“(a) For persons meeting the eligibility requirements in section 346-343, the state pharmacy assistance program may pay all or some of the co-payments required under the federal medicare part D pharmacy benefit program, subject to ~~[receipt of sufficient rebates pursuant to section 346-342(g);]~~ the sufficiency of funds in the state pharmacy assistance program special fund, as determined by the department.

(b) The state pharmacy assistance program is the payor of last resort¹ subject to ~~[receipt of sufficient rebates pursuant to section 346-342(g);]~~ the sufficiency of funds in the state pharmacy assistance program special fund, as determined by the department.”

SECTION 3. Section 346-344, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) The state pharmacy assistance program shall be funded with state appropriations, including funds derived from revenues to the State from rebates paid by pharmaceutical manufacturers pursuant to section 346-342(g), ~~[which may affect the level of benefits to program enrollees pursuant to subsection (a) depending on the amount of the rebates received by the State to cover all program benefits and costs of administering the program]~~ and with savings resulting from medicare prescription drug coverage for the medicaid dual eligible population.”

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$600,000, or so much thereof as may be necessary for fiscal year 2006-2007, for the state pharmacy assistance program.

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The sum appropriated shall be expended by the department of human services for the purposes of this Act.

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect on July 1, 2006; provided that section 3 shall take effect on July 1, 2007.

(Approved July 3, 2006.)

Note

1. Prior to amendment “;” appeared here.