



General Assembly

Substitute Bill No. 5041

February Session, 2004

* HB05041HS_APP030404 *

**AN ACT CONCERNING THE USE OF MEDICARE PRESCRIPTION
DRUG DISCOUNT CARDS IN THE CONNPACE PROGRAM.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17b-492 of the general statutes, as amended by
2 section 15 of public act 03-2 and section 58 of public act 03-3 of the June
3 30 special session, is repealed and the following is substituted in lieu
4 thereof (*Effective from passage*):

5 (a) Eligibility for participation in the program shall be limited to any
6 resident (1) who is sixty-five years of age or older or who is disabled,
7 (2) [(A)] whose annual income, if unmarried, [is less than thirteen
8 thousand eight hundred dollars, except after April 1, 2002, such annual
9 income] is less than twenty thousand eight hundred dollars, or whose
10 annual income, if married, when combined with that of the resident's
11 spouse is less than [sixteen thousand six hundred dollars, except after
12 April 1, 2002, such combined annual income is less than twenty-seven]
13 twenty-eight thousand one hundred dollars, [or (B) in the event the
14 program is granted a waiver to be eligible for federal financial
15 participation, then, after July 1, 2002, whose annual income, if
16 unmarried, is less than twenty-five thousand eight hundred dollars, or
17 whose annual income, if married, when combined with that of the
18 resident's spouse is less than thirty-four thousand eight hundred
19 dollars,] (3) who is not insured under a policy which provides full or

20 partial coverage for prescription drugs, except for a Medicare
21 prescription drug discount card endorsed by the Secretary of Health
22 and Human Services in accordance with Public Law 108-173, the
23 Medicare Prescription Drug, Improvement and Modernization Act of
24 2003, once a deductible amount is met, (4) whose available assets are
25 below one hundred thousand dollars if unmarried and one hundred
26 twenty-five thousand dollars if married, (A) the asset limit for a
27 married resident shall be determined by combining the value of assets
28 available to both spouses, and (B) for purposes of this section, available
29 assets are those that are considered available in determining eligibility
30 in the Connecticut Home Care Program for the Elderly, and (5) on and
31 after September 15, 1991, who pays an annual thirty-dollar registration
32 fee to the Department of Social Services. Effective January 1, 2002, the
33 commissioner shall commence accepting applications from individuals
34 who will become eligible to participate in the program as of April 1,
35 2002. On January 1, 1998, and annually thereafter, the commissioner
36 shall increase the income limits established under this subsection over
37 those of the previous fiscal year to reflect the annual inflation
38 adjustment in Social Security income, if any. Each such adjustment
39 shall be determined to the nearest one hundred dollars.

40 (b) Payment for a prescription under the program shall be made
41 only if no other plan of insurance or assistance is available to an
42 eligible person for such prescription at the time of dispensing, except
43 for benefits received from an endorsed Medicare prescription drug
44 discount card. The pharmacy shall make reasonable efforts to ascertain
45 the existence of other insurance or assistance, including the subsidy
46 provided by an endorsed Medicare prescription drug discount card. A
47 Medicare prescription drug discount card beneficiary shall be
48 responsible for the payment of any Medicare prescription drug
49 discount card coinsurance requirements, provided such requirements
50 do not exceed the ConnPACE program copayment requirements. If a
51 Medicare prescription drug discount card beneficiary's coinsurance
52 requirements exceed the ConnPACE copayment requirements, the
53 Department of Social Services shall make payment to the pharmacy to

54 cover costs in excess of the ConnPACE copayment amount. If the cost
55 to such beneficiary exceeds the remaining available Medicare
56 prescription drug discount card subsidy, the beneficiary shall not be
57 responsible for any payment in excess of the amount of the ConnPACE
58 program copayment requirement. In such cases, the Department of
59 Social Services shall make payment to the pharmacy to cover costs in
60 excess of the ConnPACE copayment amount.

61 (c) Any eligible resident who (1) is insured under a policy, including
62 an endorsed Medicare prescription drug discount card, which
63 provides full or partial coverage for prescription drugs, and (2) expects
64 to exhaust such coverage, may apply to participate in the program
65 prior to the exhaustion of such coverage. Such application shall be
66 valid for the applicable income year. To be included in the program, on
67 or after the date the applicant exhausts such coverage, the applicant or
68 the applicant's designee shall notify the department that such coverage
69 is exhausted and, if required by the department, shall submit evidence
70 of exhaustion of coverage. Not later than ten days after an eligible
71 resident submits such evidence, such resident shall be included in the
72 program. The program shall, except for those beneficiaries with an
73 endorsed Medicare prescription drug discount card, (A) cover
74 prescriptions that are not covered by any other plan of insurance or
75 assistance available to the eligible resident and that meet the
76 requirements of this chapter, and (B) retroactively cover such
77 prescriptions filled after or concurrently with the exhaustion of such
78 coverage. Nothing in this subsection shall be construed to prevent a
79 resident from applying to participate in the program as otherwise
80 permitted by this chapter and regulations adopted pursuant to this
81 chapter.

82 (d) As a condition of eligibility for participation in the ConnPACE
83 program, a resident with an income at or below one hundred thirty-
84 five per cent of the federal poverty level, who is Medicare Part A or
85 Part B eligible, shall obtain an endorsed Medicare prescription drug
86 discount card. The Commissioner of Social Services may require, as a
87 condition of eligibility for participation in the ConnPACE program,

88 that a resident with an income above one hundred thirty-five per cent
89 of the federal poverty level, who is Medicare Part A or Part B eligible,
90 obtain an endorsed Medicare prescription drug discount card if
91 obtaining such discount card is determined by the commissioner to be
92 cost-effective to the state. In such an event, the commissioner may
93 provide payment for any Medicare prescription drug discount card
94 enrollment fees.

95 [(d)] (e) The Commissioner of Social Services may adopt
96 regulations, in accordance with the provisions of chapter 54, to
97 implement the provisions of subsection (c) of this section. Such
98 regulations may provide for the electronic transmission of relevant
99 coverage information between a pharmacist and the department or
100 between an insurer and the department in order to expedite
101 applications and notice. The commissioner may implement the policies
102 and procedures necessary to carry out the provisions of this section
103 while in the process of adopting such policies and procedures in
104 regulation form, provided notice of intent to adopt the regulations is
105 published not later than twenty days after the date of implementation.
106 Such policies and procedures shall be valid until the time the final
107 regulations are adopted.

This act shall take effect as follows:	
Section 1	from passage

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Joint Favorable Subst. C/R

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