



General Assembly

**Substitute Bill No. 5041**

February Session, 2004

\*            HB05041APP            031604            \*

**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3       30 special session, is repealed and the following is substituted in lieu  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 designated by the Commissioner of Social Services for  
87 use in conjunction with the ConnPACE program. The commissioner

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

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

110 Sec. 2. (NEW) (Effective from passage) On and after the effective date  
111 of this section, only a pharmacy, as defined in subsection (a) of section  
112 17b-490 of the general statutes, that accepts all Medicare prescription  
113 drug discount cards that are (1) endorsed by the Secretary of Health  
114 and Human Services in accordance with Public Law 108-173, the  
115 federal Medicare Prescription Drug, Improvement, and Modernization  
116 Act of 2003, and (2) designated by the Commissioner of Social Services  
117 for use in conjunction with the ConnPACE program, may participate  
118 in the ConnPACE program. In addition, the commissioner may  
119 require, as a condition for such participation, that a pharmacy accept  
120 any endorsed drug discount card, if so required under federal law.

