



General Assembly

February Session, 2008

**Bill No. 33**

LCO No. 679

\* SB00033HS\_APP022908 \*

Referred to Committee on Human Services

Introduced by:

SEN. MCKINNEY, 28<sup>th</sup> Dist.

REP. CAFERO, 142<sup>nd</sup> Dist.

**AN ACT IMPLEMENTING THE GOVERNOR'S RECOMMENDATIONS  
WITH RESPECT TO SOCIAL SERVICES PHARMACY PROGRAMS.**

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

1 Section 1. Subsection (e) of section 17b-491 of the 2008 supplement  
2 to the general statutes is repealed and the following is substituted in  
3 lieu thereof (*Effective from passage*):

4 (e) The commissioner shall establish an application form whereby a  
5 pharmaceutical manufacturer may apply to participate in the program.  
6 Upon receipt of a completed application, the department shall issue a  
7 certificate of participation to the manufacturer. Participation by a  
8 pharmaceutical manufacturer shall require that the department shall  
9 receive a rebate from the pharmaceutical manufacturer for  
10 prescriptions covered under the program and for prescriptions  
11 covered by the department pursuant to subsection (c) of section 17b-  
12 265e of the 2008 supplement to the general statutes, as amended by  
13 this act. Rebate amounts for brand name prescription drugs shall be  
14 equal to those under the Medicaid program. Rebate amounts for

15 generic prescription drugs shall be established by the commissioner,  
16 provided such amounts may not be less than those under the Medicaid  
17 program. A participating pharmaceutical manufacturer shall make  
18 quarterly rebate payments to the department for the total number of  
19 dosage units of each form and strength of a prescription drug which  
20 the department reports as reimbursed to providers of prescription  
21 drugs, provided such payments shall not be due until thirty days  
22 following the manufacturer's receipt of utilization data from the  
23 department including the number of dosage units reimbursed to  
24 providers of prescription drugs during the quarter for which payment  
25 is due.

26 Sec. 2. Subsection (c) of section 17b-265e of the 2008 supplement to  
27 the general statutes is repealed and the following is substituted in lieu  
28 thereof (*Effective from passage*):

29 (c) The Department of Social Services shall, in accordance with the  
30 provisions of this section, pay claims for prescription drugs for  
31 Medicare Part D beneficiaries, who are also either Medicaid or  
32 ConnPACE recipients and who are denied coverage by the Medicare  
33 Part D plan in which such beneficiary is enrolled because a prescribed  
34 drug is not on the formulary utilized by such Medicare Part D plan.  
35 Payment shall initially be made by the department for a thirty-day  
36 supply, subject to any applicable copayment. Pharmaceutical  
37 manufacturers shall pay rebate amounts established pursuant to  
38 section 17b-491 of the 2008 supplement to the general statutes, as  
39 amended by this act, to the department for prescriptions paid by the  
40 department pursuant to this section on or after January 1, 2007. The  
41 beneficiary shall appoint the commissioner as such beneficiary's  
42 representative for the purpose of appealing any denial of Medicare  
43 Part D benefits and for any other purpose allowed under said act and  
44 deemed necessary by the commissioner.

45 Sec. 3. (NEW) (*Effective from passage*) Any pharmaceutical  
46 manufacturer of a prescription drug covered by the Department of  
47 Social Services under any of the state medical assistance programs

48 administered by the department shall provide rebates to the  
49 department for prescription drugs paid for by the department on or  
50 after February 1, 2008. The amount of rebates and the administration of  
51 the program shall be in accordance with subsections (e) and (f) of  
52 section 17b-491 of the 2008 supplement to the general statutes, as  
53 amended by this act.

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|---|---------------------|-------------|
| This act shall take effect as follows and shall amend the following sections: |                     |             |
| Section 1   | <i>from passage</i> | 17b-491(e)  |
| Sec. 2  | <i>from passage</i> | 17b-265e(c) |
| Sec. 3  | <i>from passage</i> | New section |

**HS**

*Joint Favorable C/R*

**APP**