



House of Representatives

File No. 629

General Assembly

February Session, 2010

(Reprint of File No. 151)

House Bill No. 5351
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 23, 2010

***AN ACT CONCERNING PRESCRIPTION DRUG BENEFITS FOR
VETERANS IN NURSING HOME FACILITIES.***

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

1 Section 1. (NEW) (*Effective October 1, 2010*) No nursing home facility,
2 as defined in section 19a-521 of the general statutes, shall restrict any
3 patient from obtaining prescription drugs through a prescription drug
4 program or health plan offered by the United States Department of
5 Veterans Affairs. If a nursing home facility patient obtains prescription
6 drugs through a prescription drug program or health plan offered by
7 the United States Department of Veterans Affairs, the nursing home
8 facility may require such prescription drugs to be dispensed and
9 administered according to the facility's policies, provided such policies
10 conform to applicable state and federal laws. At the request of a
11 patient, a nursing home facility shall dispense and administer
12 prescription drugs obtained through a prescription drug program or
13 health plan operated by the United States Department of Veterans
14 Affairs regardless of the form of the drugs' packaging. Nothing in this
15 section shall prevent a nursing home facility from dispensing and

16 administering to a patient prescription drugs that are obtained from
17 sources other than a prescription drug program or health plan
18 operated by the United States Department of Veterans Affairs when
19 the patient requires such drugs before the drugs can be obtained from
20 such drug program or health plan.

| | | |
|---|------------------------|-------------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>October 1, 2010</i> | New section |

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

| Agency Affected | Fund-Effect | FY 11 \$ | FY 12 \$ |
|------------------------|------------------------|-----------------|-----------------|
| Social Services, Dept. | GF - Potential Savings | See Below | See Below |

Note: GF=General Fund

Municipal Impact: None

Explanation

Should the provisions of the bill result in a Medicaid patient receiving prescription drugs via the U.S. Department of Veterans Affairs rather than through the Medicaid program, the Department of Social Services may realize savings. It is not known how many Medicaid nursing home residents may also be eligible for and subsequently take advantage of benefits from the U.S. Department of Veterans Affairs. Therefore, the extent of these potential savings is not known. Currently, there are approximately 17,300 Medicaid clients in nursing facilities.

House "A" altered the original bill by allowing nursing homes to administer prescription drugs at the request of the patient regardless of the drugs' packaging and has no fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of participating patients.

OLR Bill Analysis**HB 5351 (as amended by House "A")******AN ACT CONCERNING PRESCRIPTION DRUG BENEFITS FOR VETERANS IN NURSING HOME FACILITIES.*****SUMMARY:**

This bill prohibits nursing home facilities from restricting patient access to prescription drugs from any U.S. Department of Veterans' Affairs (VA) prescription drug program or health plan. It requires the facilities to dispense and administer prescription drugs obtained under any such plan or program to patients who request them, regardless of how packaged. But it (1) does not prevent the facilities from dispensing and administering prescription drugs obtained from other sources when a patient needs them before they can be obtained from the VA program or health plan and (2) allows the facilities to dispense and administer drugs patients receive under a VA program or plan in accordance with their policies, provided such policies conform to applicable state and federal laws.

*House Amendment "A" adds the provisions (1) requiring conformance with state and federal laws, (2) requiring the facilities to dispense the drugs if patients ask for them regardless of their packaging, and (3) allowing them to dispense drugs from another source if the VA plan or program drugs are not available.

EFFECTIVE DATE: October 1, 2010

BACKGROUND***Nursing Home Facility***

By law, a "nursing home facility" means any nursing home or residential care home; rest home with nursing supervision or chronic

and convalescent nursing home (CGS § 19a-521).

COMMITTEE ACTION

Select Committee on Veterans' Affairs

Joint Favorable Change of Reference

Yea 9 Nay 0 (03/02/2010)

Public Health Committee

Joint Favorable

Yea 29 Nay 0 (03/15/2010)