



General Assembly

January Session, 2013

Amendment

LCO No. 8839

HB0670508839SR0

Offered by:

SEN. MCKINNEY, 28th Dist.
SEN. FASANO, 34th Dist.
SEN. BOUCHER, 26th Dist.
SEN. CHAPIN, 30th Dist.
SEN. FRANTZ, 36th Dist.
SEN. GUGLIELMO, 35th Dist.
SEN. KANE, 32nd Dist.

SEN. KELLY, 21st Dist.
SEN. KISSEL, 7th Dist.
SEN. LINARES, 33rd Dist.
SEN. MARKLEY, 16th Dist.
SEN. MCLACHLAN, 24th Dist.
SEN. WELCH, 31st Dist.
SEN. WITKOS, 8th Dist.

To: House Bill No. 6705

File No.

Cal. No.

(As Amended by House Amendment Schedules "A" and "C")

**"AN ACT IMPLEMENTING THE GOVERNOR'S BUDGET
RECOMMENDATIONS FOR HOUSING, HUMAN SERVICES AND
PUBLIC HEALTH."**

1 Strike section 81 in its entirety and renumber the remaining sections
2 and internal references accordingly

3 Strike section 99 in its entirety and insert the following in lieu
4 thereof:

5 "Sec. 99. Section 17b-280 of the general statutes is repealed and the
6 following is substituted in lieu thereof (*Effective January 1, 2014*):

7 (a) The state shall reimburse for all legend drugs provided under

8 medical assistance programs administered by the Department of Social
9 Services at the lower of (1) the rate established by the Centers for
10 Medicare and Medicaid Services as the federal acquisition cost, (2) the
11 average wholesale price minus sixteen per cent, or (3) an equivalent
12 percentage as established under the Medicaid state plan.
13 Notwithstanding the provisions of this section, contingent upon
14 federal approval, on and after October 1, 2012, for independent
15 pharmacies, the state shall reimburse for such legend drugs at the
16 lower of (A) the rate established by the Centers for Medicare and
17 Medicaid Services as the federal acquisition cost, (B) the average
18 wholesale price minus fifteen per cent, or (C) an equivalent percentage
19 as established under the Medicaid state plan. The state shall pay a
20 professional fee of one dollar and seventy cents to licensed pharmacies
21 for each prescription dispensed to a recipient of benefits under a
22 medical assistance program administered by the Department of Social
23 Services in accordance with federal regulations. On and after
24 September 4, 1991, payment for legend and nonlegend drugs provided
25 to Medicaid recipients shall be based upon the actual package size
26 dispensed. Effective October 1, 1991, reimbursement for over-the-
27 counter drugs for such recipients shall be limited to those over-the-
28 counter drugs and products published in the Connecticut Formulary,
29 or the cross reference list, issued by the commissioner. The cost of all
30 over-the-counter drugs and products provided to residents of nursing
31 facilities, chronic disease hospitals, and intermediate care facilities for
32 the mentally retarded shall be included in the facilities' per diem rate.
33 Notwithstanding the provisions of this subsection, no dispensing fee
34 shall be issued for a prescription drug dispensed to a [ConnPACE or]
35 Medicaid recipient who is a Medicare Part D beneficiary when the
36 prescription drug is a Medicare Part D drug, as defined in Public Law
37 108-173, the Medicare Prescription Drug, Improvement, and
38 Modernization Act of 2003.

39 (b) The Department of Social Services may provide an enhanced
40 dispensing fee to a pharmacy enrolled in the federal Office of
41 Pharmacy Affairs Section 340B drug discount program established

42 pursuant to 42 USC 256b or a pharmacy under contract to provide
43 services under said program.

44 (c) For purposes of this section, (1) "independent pharmacy" means
45 a privately-owned community pharmacy that has five or fewer stores
46 located in the state; (2) "community pharmacy" has the same meaning
47 as in section 20-631a; and (3) "legend drug" has the same meaning as in
48 section 20-571.

49 (d) The commissioner shall submit a Medicaid state plan
50 amendment not later than October 1, 2012, to establish the
51 independent pharmacy rate pursuant to subsection (a) of this section."