

**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2003**

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A N A C T

RELATING TO PHARMACEUTICAL ASSISTANCE TO THE ELDERLY

Introduced By: Representatives Ginaitt, Long, McNamara, Costantino, and Reilly

Date Introduced: January 28, 2003

Referred To: House Finance

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 42-66.2-5 of the General Laws in Chapter 42-66.2 entitled  
2 "Pharmaceutical Assistance to the Elderly Act" is hereby amended to read as follows:

3           **42-66.2-5. Persons eligible.** -- (a) Persons eligible for assistance under the provisions of  
4 this chapter include any resident of the state who is at least sixty-five (65) years of age. State and  
5 consumer co-payment shares for these persons shall be determined as follows:

6           (1) For unmarried persons or married persons living separate and apart whose income for  
7 the calendar year immediately preceding the year in which assistance is sought is:

8           (i) Less than fifteen thousand nine hundred and thirty-two dollars (\$15,932) the state  
9 shall pay sixty percent (60%) of the cost of the prescriptions and the consumer shall pay forty  
10 percent (40%) of the cost of the prescriptions;

11           (ii) More than fifteen thousand nine hundred and thirty-two dollars (\$15,932) and less  
12 than twenty thousand dollars (\$20,000), the state shall pay thirty percent (30%) of the cost of the  
13 prescriptions and the consumer shall pay seventy percent (70%) of the cost of the prescriptions;  
14 and

15           (iii) More than twenty thousand dollars (\$20,000) and less than thirty-five thousand  
16 dollars (\$35,000), the state shall pay fifteen percent (15%) of the cost of prescriptions and the  
17 consumer shall pay eighty-five percent (85%) of the cost of prescriptions.

18           (2) For married persons whose income for the calendar year immediately preceding the  
19 year in which assistance is sought hereunder when combined with any income of the person's

1 spouse in the same year is:

2 (i) Nineteen thousand nine hundred and sixteen dollars (\$19,916) or less, the state shall  
3 pay sixty percent (60%) of the cost of the prescriptions and the consumer shall pay forty percent  
4 (40%) of the cost of the prescriptions;

5 (ii) More than nineteen thousand nine hundred and sixteen dollars (\$19,916) and less  
6 than twenty-five thousand dollars (\$25,000), the state shall pay thirty percent (30%) of the cost of  
7 the prescriptions and the consumer shall pay seventy percent (70%) of the cost of prescriptions;  
8 and

9 (iii) More than twenty-five thousand dollars (\$25,000) and less than forty thousand  
10 dollars (\$40,000), the state shall pay fifteen percent (15%) of the cost of prescriptions and the  
11 consumer shall pay eighty-five percent (85%) of the cost of prescriptions.

12 (3) Eligibility may also be determined by using income data for the ninety (90) days  
13 prior to application for benefits and projecting that income on an annual basis. The income levels  
14 shall not include those sums of money expended for medical and pharmaceutical that exceed  
15 three percent (3%) of the applicant's annual income or three percent (3%) of the applicant's  
16 preceding ninety (90) day income computed on an annual basis.

17 (b) On July 1 of each year, the maximum amount of allowable income for both  
18 unmarried and married residents set forth in subsection (a) shall be increased by a percentage  
19 equal to the percentage of the cost of living adjustment provided for social security recipients.

20 (c) Notwithstanding the foregoing provisions of this section, no person whose  
21 prescription drug expenses are paid or reimbursable, either in whole or in part, by any other plan  
22 of assistance or insurance is eligible for assistance under this section, until the person's  
23 prescription drug coverage for a specific covered prescription medication is exhausted or the  
24 specific prescription medication is not covered by the plan during a benefit year, and as provided  
25 in subsection (d).

26 (d) The fact that some of a person's prescription drug expenses are paid or reimbursable  
27 under the provisions of medicare, ~~part B~~, shall not disqualify that person, if he or she is otherwise  
28 eligible, to receive assistance under this chapter. In those cases, the state shall pay ~~sixty percent~~  
29 ~~(60%)~~ the eligible percentage of the cost of those prescriptions for qualified drugs for which no  
30 payment or reimbursement is made by the federal government.

31 (e) Eligibility for receipt of any other benefit under any other provisions of the Rhode  
32 Island general laws as a result of eligibility for the pharmaceutical assistance program authorized  
33 under this section shall be limited to those persons whose income qualify them for a sixty percent  
34 (60%) state co-payment share of the cost of prescriptions.

1           (f) Between fifty-five (55) and sixty-five (65) years of age and receiving social security  
2 disability benefits. These persons shall pay one hundred percent (100%) of the cost of  
3 prescriptions set forth in section 42-66.2-4.

4           (g) For all additional drugs, the consumer shall pay one hundred percent (100%) of the  
5 cost of prescriptions as set forth in section 42-66.2-4.

6           SECTION 2. This act shall take effect upon passage.

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LC00823/SUB A  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO PHARMACEUTICAL ASSISTANCE TO THE ELDERLY

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- 1           This act would require the state to pay the eligible percentage of the cost of prescriptions
- 2 not paid or reimbursed by the federal government.
- 3           This act would take effect upon passage.

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LC00823/SUB A  
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