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LC01760
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2003

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- PHARMACEUTICAL
ASSISTANCE TO THE ELDERLY ACT

Introduced By: Senators Roberts, Paiva-Weed, Gibbs, Blais, and P Fogarty

Date Introduced: February 12, 2003

Referred To: Senate 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

1 year in which assistance is sought hereunder when combined with any income of the person's
2 spouse in the same year is:

3 (i) Nineteen thousand nine hundred and sixteen dollars (\$19,916) or less, the state shall
4 pay sixty percent (60%) of the cost of the prescriptions and the consumer shall pay forty percent
5 (40%) of the cost of the prescriptions;

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

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

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

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

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

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

32 (e) Eligibility for receipt of any other benefit under any other provisions of the Rhode
33 Island general laws as a result of eligibility for the pharmaceutical assistance program authorized
34 under this section shall be limited to those persons whose income qualify them for a sixty percent

1 (60%) state co-payment share of the cost of prescriptions.

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

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

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would provide that no person is eligible for pharmaceutical assistance unless that
2 person's prescription drug coverage for a specific prescription medication is exhausted during a
3 benefit year or the specific prescription medication is not covered by a plan.

4 This act would take effect upon passage.

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