

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1117

93RD GENERAL ASSEMBLY

Reported from the Committee on Aging, Families, Mental and Public Health, March 15, 2006, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

Senate Committee Substitute adopted March 28, 2006.

Taken up March 28, 2006. Read 3rd time and placed upon its final passage; bill passed.

TERRY L. SPIELER, Secretary.

5379S.02P

AN ACT

To repeal sections 208.784 and 208.792, RSMo, and to enact in lieu thereof two new sections relating to the Missouri Rx plan advisory commission.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 208.784 and 208.792, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 208.784 and 208.792, to read as follows:

208.784. 1. The program shall coordinate prescription drug coverage with the Medicare Part D prescription drug benefit, including related supplies as determined by the department, who:

(1) Is a resident of the state of Missouri and is either:

(a) Sixty-five years of age or older; or

(b) Is disabled and receiving a Social Security benefit and is enrolled in the Medicare program;

(2) Is enrolled in a Medicare Part D drug plan;

(3) [Is not a member of a Medicare Advantage Plan that provides a prescription drug benefit;

(4)] Is not a member of a retirement plan that is receiving a benefit under the Medicare Prescription Drug, Improvement and Modernization Act of 2003, P.L. 108-173.

2. The department shall give initial enrollment priority to the Medicaid dual eligible population. A second enrollment priority will be afforded to Medicare-eligible applicants with annual household incomes at or below one

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 hundred fifty percent of the federal poverty guidelines who also meet the asset
18 test. Medicaid dual eligible persons may be automatically enrolled into the
19 program, as long as they may opt out of the program if they so choose. The
20 department shall determine the procedures for automatic enrollment in, and
21 election out of, the Missouri Rx plan. Applicants meeting the eligibility
22 requirements set forth in this section may begin enrolling in the program as
23 determined by the department.

24 3. An individual or married couple who meet the eligibility requirements
25 in subsection 1 of this section and who are not Medicaid dual eligible persons may
26 apply for enrollment in the program by submitting an application to the
27 department, or the department's designee, that attests to the age, residence,
28 household income, and liquid assets of the individual or couple.

208.792. 1. There is hereby established the "Missouri Rx Plan Advisory
2 Commission" within the department of [health and senior] **social** services[,
3 division of senior services and regulation] to provide advice on the benefit design
4 and operational policy of the Missouri Rx plan established in sections 208.782 to
5 208.798. The commission shall consist of the following fifteen members:

6 (1) The lieutenant governor, in his or her capacity as advocate for [the
7 elderly] **senior citizens**;

8 (2) Two members of the senate, with one member from the majority party
9 appointed by the president pro tem of the senate and one member of the minority
10 party appointed by the president pro tem of the senate with the concurrence of
11 the minority floor leader of the senate;

12 (3) Two members of the house of representatives, with one member from
13 the majority party appointed by the speaker of the house of representatives and
14 one member of the minority party appointed by the speaker of the house of
15 representatives with the concurrence of the minority floor leader of the house of
16 representatives;

17 (4) The director of the division of medical services in the department of
18 social services;

19 (5) The director of the division of senior **and disability** services [and
20 regulation] in the department of health and senior services;

21 (6) The chairperson of the governor's commission on special health,
22 psychological and social needs of minority older individuals;

23 (7) The following four members appointed by the governor, with the advice
24 and consent of the senate:

- 25 (a) A licensed pharmacist;
- 26 (b) A licensed physician;
- 27 (c) A representative from a senior advocacy group; and
- 28 (d) A representative from an area agency on aging;
- 29 (8) A representative from the pharmaceutical manufacturers industry as
- 30 a nonvoting member appointed by the president pro tem of the senate and the
- 31 speaker of the house of representatives;
- 32 (9) One public member appointed by the president pro tem of the senate;
- 33 and
- 34 (10) One public member appointed by the speaker of the house of
- 35 representatives.

36 In making the initial appointment to the committee, the governor, president pro

37 tem, and speaker shall stagger the terms of the appointees so that four members

38 serve initial terms of two years, four members serve initial terms of three years,

39 four members serve initial terms of four years, and one member serves an initial

40 term of one year. All members appointed thereafter shall serve three-year terms.

41 All members shall be eligible for reappointment. The commission shall elect a

42 chair and may employ an executive director and such professional, clerical, and

43 research personnel as may be necessary to assist in the performance of the

44 commission's duties.

45 2. Recognizing the unique medical needs of the senior African-American

46 population, the president pro tem of the senate, speaker of the house of

47 representatives, and governor will collaborate to ensure that there is adequate

48 minority representation among legislative members and other members of the

49 commission.

50 3. The commission:

51 (1) May provide advice on guidelines, policies, and procedures necessary

52 to establish the Missouri Rx plan;

53 (2) Shall educate Missouri residents on quality prescription drug

54 programs and cost-containment strategies in medication therapy;

55 (3) Shall assist Missouri residents in enrolling or accessing prescription

56 drug assistance programs for which they are eligible; and

57 (4) Shall hold quarterly meetings and other meetings as deemed

58 necessary.

59 4. The members of the commission shall receive no compensation for their

60 service on the commission, but shall be reimbursed for ordinary and necessary

61 expenses incurred in the performance of their duties as a member of the
62 commission.

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Bill

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