

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 258 Session of
2005

INTRODUCED BY KENNEY, BROWNE, CORNELL, LEDERER, BELFANTI, BUNT,
BUXTON, CALTAGIRONE, CAWLEY, CIVERA, CREIGHTON, FAIRCHILD,
GEORGE, GINGRICH, GOODMAN, HERSHEY, HESS, KILLION, KOTIK,
LEACH, O'NEILL, PHILLIPS, ROSS, B. SMITH, STABACK,
E. Z. TAYLOR, THOMAS, WALKO, WHEATLEY, YOUNGBLOOD, BOYD,
WATSON, FRANKEL, HARHART, PICKETT, DENLINGER AND HARPER,
FEBRUARY 8, 2005

AS REPORTED FROM COMMITTEE ON HEALTH AND HUMAN SERVICES, HOUSE
OF REPRESENTATIVES, AS AMENDED, JUNE 21, 2006

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An
2 act to consolidate, editorially revise, and codify the public
3 welfare laws of the Commonwealth," providing for
4 pharmaceutical modification statement.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. The act of June 13, 1967 (P.L.31, No.21), known
8 as the Public Welfare Code, is amended by adding a section to
9 read:

10 Section 450. Pharmaceutical Modification Statement.--The
11 secretary shall not make application for any approval of
12 modifications to its State plan OR A WAIVER OR AN AMENDMENT TO A <—
13 WAIVER as provided for in the Social Security Act (49 Stat. 620,
14 42 U.S.C. § 301 et seq.) pertaining to the reimbursement for, <—
15 rebate on or access to pharmaceuticals as it may relate to the
16 establishment of a drug formulary or preferred drug list in the

1 ~~Pennsylvania Medical Assistance Program until it has transmitted~~
2 ~~a detailed programmatic and fiscal impact statement to the~~
3 ~~General Assembly. The statement shall be transmitted to the~~
4 ~~Majority Chairman and Minority Chairman of the Public Health and~~
5 ~~Welfare Committee of the Senate and the Majority Chairman and~~
6 ~~Minority Chairman of the Health and Human Services Committee of~~
7 ~~the House of Representatives. The statement shall detail the~~
8 ~~impact of the plan amendment on existing enrollees that will be~~
9 ~~transitioned into Medicare part D under the provisions of the~~
10 ~~Federal Medicare Prescription Drug Improvement and Modernization~~
11 ~~Act of 2003 (Public Law 108-173, U.S.C.). IF THE ANNUAL FISCAL~~ <—
12 ~~COST OR SAVINGS OF THE PROPOSED ACTION EXCEED \$20,000,000 IN A~~
13 ~~FISCAL YEAR UNLESS THE DEPARTMENT HAS FIRST OBTAINED APPROVAL~~
14 ~~FROM THE INDEPENDENT REGULATORY REVIEW COMMISSION UNDER THE~~
15 ~~PROVISIONS OF THE ACT OF JUNE 25, 1982 (P.L.633, NO.181), KNOWN~~
16 ~~AS THE REGULATORY REVIEW ACT.~~

17 Section 2. This act shall take effect ~~in 60 days~~ <—
18 IMMEDIATELY. <—