
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 581 Session of
2017

INTRODUCED BY SABATINA, FONTANA, TARTAGLIONE, RAFFERTY, MENSCH,
BREWSTER, COSTA AND YUDICHAK, APRIL 5, 2017

REFERRED TO AGING AND YOUTH, APRIL 5, 2017

AN ACT

1 Amending the act of August 26, 1971 (P.L.351, No.91), entitled
2 "An act providing for a State Lottery and administration
3 thereof; authorizing the creation of a State Lottery
4 Commission; prescribing its powers and duties; disposition of
5 funds; violations and penalties therefor; exemption of prizes
6 from State and local taxation and making an appropriation,"
7 in pharmaceutical assistance for the elderly, further
8 providing for definitions, providing for medication
9 synchronization, further providing for the Pharmaceutical
10 Assistance Contract for the Elderly Needs Enhancement Tier
11 and for board and providing for medication therapy
12 management.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. The definition of "board" in section 502 of the
16 act of August 26, 1971 (P.L.351, No.91), known as the State
17 Lottery Law, is amended and the section is amended by adding a
18 definition to read:

19 Section 502. Definitions.

20 The following words and phrases when used in this chapter
21 shall have the meanings given to them in this section unless the
22 context clearly indicates otherwise:

23 * * *

1 "Board." The Pharmaceutical Assistance [Review] Advisory
2 Board.

3 * * *

4 "Medication synchronization." The coordination of
5 prescription drug filling or refilling by a pharmacy or
6 dispensing physician for a program participant taking two or
7 more medications for the purpose of improving medication
8 adherence.

9 * * *

10 Section 2. The act is amended by adding a section to read:
11 Section 515.1. Medication synchronization.

12 (a) Prorated daily cost-sharing rate.--The program shall
13 permit and apply a prorated daily cost-sharing rate to
14 prescription drugs that are dispensed by a pharmacy for less
15 than a 30 days' supply if the pharmacist or prescriber
16 determines the fill or refill to be in the best interest of the
17 program participant and the program participant requests or
18 agrees to less than a 30 days' supply for the purpose of
19 medication synchronization.

20 (b) Override of denial codes.--The program shall allow a
21 pharmacy to override any denial codes indicating that a
22 prescription drug is being refilled too soon for the purposes of
23 medication synchronization.

24 Section 3. Sections 519(b) and 520 of the act are amended to
25 read:

26 Section 519. The Pharmaceutical Assistance Contract for the
27 Elderly Needs Enhancement Tier.

28 * * *

29 (b) PACENET eligibility.--A person with an annual income of
30 not less than \$14,500 and not more than [~~\$23,500~~] \$31,000 in the

1 case of a single person and of not less than \$17,700 and not
2 more than [\$31,500] \$41,000 in the case of the combined income
3 of persons married to each other shall be eligible for enhanced
4 pharmaceutical assistance under this section. A person may, in
5 reporting income to the department, round the amount of each
6 source of income and the income total to the nearest whole
7 dollar, whereby any amount which is less than 50¢ is eliminated.

8 * * *

9 Section 520. Board.

10 (a) Establishment.--The Pharmaceutical Assistance [Review]
11 Advisory Board is continued to ensure that the program is
12 providing and continues to provide the assistance intended in a
13 fiscally responsible manner without excessively hampering the
14 pharmaceutical industry.

15 (b) Composition.--The board shall be comprised of the
16 following [eight] persons:

17 (1) The Secretary of Aging, who shall serve as its
18 chairman.

19 (2) The Secretary of Revenue.

20 (3) The Secretary of Health.

21 (4) [Five] Nine public members[, one appointed by the
22 President pro tempore of the Senate, one appointed by the
23 Minority Leader of the Senate, one appointed by the Speaker
24 of the House of Representatives, one appointed by the
25 Minority Leader of the House of Representatives and one
26 appointed by the Governor. Those appointed by the legislative
27 officers shall include two senior citizens who have not been
28 a part of the pharmaceutical industry to serve as consumer
29 advocates, one representative of the pharmaceutical industry
30 and one practicing Pennsylvania pharmacist. The individual

1 appointed by the Governor must be a physician. A public
2 member who misses two consecutive meetings without good cause
3 acceptable to the chairman shall be replaced by the
4 appointing authority.] appointed as follows:

5 (i) Four practicing Pennsylvania pharmacists whose
6 names are jointly submitted by the Pennsylvania
7 Pharmacists Association and the Pennsylvania Association
8 of Chain Drug Stores and then appointed by the following:

9 (A) One member appointed by the President pro
10 tempore of the Senate.

11 (B) One member appointed by the Minority Leader
12 of the Senate.

13 (C) One member appointed by the Speaker of the
14 House of Representatives.

15 (D) One member appointed by the Minority Leader
16 of the House of Representatives.

17 (ii) Five individuals appointed by the Governor that
18 include the following:

19 (A) One representative from the pharmaceutical
20 industry.

21 (B) Four senior citizens who have not been a
22 part of the pharmaceutical industry, two of whom may
23 be senior advocates.

24 (5) Should a board vacancy not be filled by the
25 appointing authority within 60 days, the power to appoint an
26 individual to the vacancy shall be given to the Secretary of
27 Aging.

28 (c) Review.--Using the annual report submitted by the
29 department pursuant to section 2102 and other appropriate data
30 sources, the board shall conduct an annual review. The board

1 shall develop recommendations concerning any changes in the
2 level of copayment, deductible or in the level of fees paid to
3 participating pharmacists. The board shall review the
4 department's therapeutic drug utilization review program on an
5 ongoing basis. The board may also recommend other changes in the
6 structure of the program and direct the department to enter into
7 discussions with the private contractor concerning amendments to
8 the contract, or the department may enter into such discussion
9 if it deems necessary. The copayment or deductible schedule
10 shall only be adjusted on an annual basis.

11 (c.1) Powers and duties.--The board shall advise on the
12 following:

13 (1) The development and implementation of the department
14 proposals for medication synchronization and medication
15 therapy management programs and reimbursement methodologies.

16 (2) Adjustment of the dispensing fee, as needed.

17 (3) Cost-of-living adjustment increases for medication
18 synchronization, medication therapy management and the
19 dispensing fee.

20 (d) Meetings.--The board shall meet at least two times per
21 year and not more than four times per year.

22 Section 4. The act is amended by adding a section to read:

23 Section 522.1. Medication therapy management.

24 PACE shall, in consultation with the board, develop a
25 proposal for a medication therapy management program by using
26 retail community pharmacies enrolled in the program. PACE, in
27 consultation with the board, shall submit the proposal to the
28 General Assembly no later than one year after the effective date
29 of this section.

30 Section 5. This act shall take effect immediately.