

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 877 Session of
2007

INTRODUCED BY WALKO, DERMODY, DeLUCA, SURRA, BELFANTI, BOYD,
CALTAGIRONE, DALEY, DONATUCCI, FABRIZIO, FREEMAN, GEORGE,
GIBBONS, GOODMAN, GRUCELA, HARHAI, JAMES, JOSEPHS, LEVDANSKY,
McILHATTAN, MUSTIO, MYERS, M. O'BRIEN, PALLONE, PETRARCA,
SAINATO, SIPTROTH, SOLOBAY AND THOMAS, MARCH 22, 2007

REFERRED TO COMMITTEE ON APPROPRIATIONS, MARCH 22, 2007

AN ACT

1 Establishing the Pharmaceutical Medbank Program; providing for
2 program administration and eligibility and for
3 responsibilities of organizations under the program;
4 conferring powers and imposing duties on the Department of
5 Aging; and making an appropriation.

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

8 Section 1. Short title.

9 This act shall be known and may be cited as the
10 Pharmaceutical Medbank Program.

11 Section 2. Definitions.

12 The following words and phrases when used in this act shall
13 have the meanings given to them in this section unless the
14 context clearly indicates otherwise:

15 "Department." The Department of Aging of the Commonwealth.

16 "Organization." An entity which is organized as a nonprofit
17 corporation or nonprofit unincorporated association under the
18 laws of this Commonwealth or the United States.

1 "Program." The Pharmaceutical Medbank Program established
2 under this act.

3 Section 3. Program.

4 (a) Establishment.--The Pharmaceutical Medbank Program is
5 established and shall be administered by the department. The
6 program shall assist individuals who lack prescription drug
7 coverage in receiving medically necessary prescription drugs
8 through patient assistance programs sponsored by pharmaceutical
9 drug manufacturers.

10 (b) Availability.--The department shall ensure that the
11 program is available to residents throughout this Commonwealth
12 and shall provide additional support in areas that have the
13 greatest need for services.

14 (c) Contract.--The department shall contract with at least
15 one organization to operate and maintain the program. The
16 department may enter into a contract with an organization that
17 meets at a minimum the following criteria:

18 (1) The organization has an established history of
19 community activity especially with assisting individuals with
20 pharmaceutical companies' patient assistance programs.

21 (2) The organization is not a subsidiary of any
22 pharmaceutical company.

23 (3) Neither the organization nor any of its members
24 participate in legal proceedings on the behalf of any person,
25 group or other special interest.

26 (d) Multiple contracts.--Nothing in this act shall prevent
27 the department from contracting with more than one organization
28 in order to meet the requirements of this act.

29 Section 4. Eligibility.

30 Eligibility for any individual shall be limited only by the

criteria established by pharmaceutical manufacturers for their respective patient assistance programs.

Section 5. Reporting by nonprofit corporations.

The department shall require detailed financial reports at least quarterly from any organization that operates and maintains the program. These reports shall contain at a minimum:

(1) The number and demographic characteristics of the State residents served by the program.

(2) The types and retail value of prescription drugs accessed through the program.

(3) The nature and extent of outreach performed to inform physicians and residents of the assistance available through the program.

(4) The total volume and retail value of each brand name drug, by manufacturer, accessed through the program.

Section 6. Responsibilities of organizations.

Each organization contracted by the department shall:

(1) Provide programs with the approval of the department that:

(i) Promote public awareness of the need to provide pharmaceutical assistance as cost-effective care for uninsured Pennsylvanians.

(ii) Expand access to health care services for uninsured individuals.

(2) Be permitted to solicit and accept any gift, grant, legacy or endowment of money, including in-kind services, from the Federal, State or local government or any private source in furtherance of the organization's purpose.

(3) Develop programs for sponsorship by corporate and business organizations or private individuals.

1 (4) Develop criteria for evaluating the effectiveness of
2 programs receiving grants.

3 (5) Make, execute and enter into any contract or other
4 legal instrument.

5 (6) Lease and maintain an office within this
6 Commonwealth that the organization designates.

7 (7) Administer the program in accordance with
8 regulations promulgated by the department.

9 (8) Report annually to the Governor and the General
10 Assembly on its activities during the preceding year,
11 including and evaluation of the effectiveness of funded
12 programs, together with any recommendations or requests
13 deemed appropriate to further the purposes of the
14 organization.

15 (9) Take any other action necessary to carry out the
16 responsibilities of the organization under this act.

17 Section 7. Regulations.

18 The department shall promulgate rules and regulations to
19 carry out the provisions of this act.

20 Section 8. Appropriation.

21 The sum of \$2,000,000, or as much thereof as may be
22 necessary, is hereby appropriated to the Department of Aging for
23 the fiscal year July 1, 2007, to June 30, 2008, to carry out the
24 provisions of this act.

25 Section 9. Effective date.

26 This act shall take effect in 90 days.