

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**SENATE BILL**

**No. 1497** Session of  
2008

INTRODUCED BY ERICKSON, LOGAN, SCARNATI, COSTA, RAFFERTY,  
MADIGAN, PUNT, HUGHES, ORIE, O'PAKE, PIPPY, BOSCOLA,  
GREENLEAF, DINNIMAN, STACK, FOLMER, TOMLINSON, ROBBINS,  
MUSTO, RHOADES, FUMO, FONTANA, KITCHEN, D. WHITE, WONDERLING,  
KASUNIC, WOZNIAK, BROWNE, A. WILLIAMS, WASHINGTON, CORMAN,  
EARLL, BAKER, VANCE, BRUBAKER, McILHINNEY, REGOLA, M. WHITE,  
STOUT, PICCOLA, PILEGGI AND EICHELBERGER, JUNE 19, 2008

REFERRED TO PUBLIC HEALTH AND WELFARE, JUNE 19, 2008

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," in public assistance,  
4 adding definitions; and further providing for established  
5 drug regimens.

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

8 Section 1. Section 402 of the act of June 13, 1967 (P.L.31,  
9 No.21), known as the Public Welfare Code, is amended by adding  
10 definitions to read:

11 Section 402. Definitions.--As used in this article, unless  
12 the content clearly indicates otherwise:

13 \* \* \*

14 "Managed care contractor." A managed care organization  
15 providing managed care services relating to physical health care  
16 to recipients under one or more contracts with the Department of  
17 Public Welfare for the provision of mandatory managed care or

1 voluntary managed care.

2 "Managed care organization." A public or private  
3 organization that is a federally qualified health maintenance  
4 organization or meets the State plan's definition of a health  
5 maintenance organization or otherwise qualifies as a managed  
6 care plan as defined in Article XXI of the act of May 17, 1921  
7 (P.L.682, No.284), known as "The Insurance Company Law of 1921."

8 "Mandatory managed care." The Commonwealth's HealthChoices  
9 Program, which provides mandatory managed health care to  
10 recipients in specified areas of this Commonwealth through  
11 contracts with managed care organizations.

12 "Medical assistance." The Commonwealth program authorized by  
13 Subchapter XIX of the Social Security Act (49 Stat. 620, 42  
14 U.S.C. § 1396 et seq.), and authorized in this Commonwealth  
15 under this act and subject to regulations promulgated under  
16 Subchapter XIX of the Social Security Act and this act. The term  
17 includes any successor program implemented by either the Federal  
18 Government or the Commonwealth, to the extent a contractor  
19 provides services with respect to the program.

20 \* \* \*

21 "Recipient." An individual eligible to receive health care  
22 or health-related services under the medical assistance program.

23 \* \* \*

24 "Voluntary managed care." The Commonwealth's program, which  
25 provides voluntary managed care to recipients in specified areas  
26 of the Commonwealth through contracts with managed care  
27 organizations

28 \* \* \*

29 Section 2. Section 459 of the act, added July 7, 2005  
30 (P.L.177, No.42), is amended to read:

1 Section 459. Established Drug Regimens.--(a) When  
2 determining prior authorization criteria for a preferred drug  
3 class, the department shall consider the potential destabilizing  
4 effect on the recipient's health by any change in the  
5 recipient's established drug regimen, including, but not limited  
6 to, prescription drugs for human immunodeficiency virus (HIV),  
7 acquired immune deficiency syndrome (AIDS), behavioral health,  
8 hemophilia, hepatitis C, biologic drugs, immunosuppressants and  
9 anticonvulsants.

10 (b) The department shall consider pharmaceutical services a  
11 covered benefit under both mandatory managed care and voluntary  
12 managed care which shall be provided and continued under  
13 contracts with managed care contractors. Pharmaceutical benefits  
14 shall remain a covered benefit, unless termination of this  
15 benefit is approved by the General Assembly.

16 Section 3. This act shall take effect immediately.