

Introduced by Senator Haynes

January 30, 2001

An act to add Section 1371.9 to the Health and Safety Code, and to add Sections 14105.46 and 14105.47 to the Welfare and Institutions Code, relating to health.

LEGISLATIVE COUNSEL'S DIGEST

SB 146, as introduced, Haynes. Health care service plans: Medi-Cal: prescription drug benefits.

Existing law provides for the regulation and licensing of health care service plans by the Department of Managed Care. A willful violation of the provisions governing health care service plans is a crime.

This bill would require a health care service plan that provides a prescription drug benefit to uniformly impose on all pharmacies any limitation on the copayment for, or the supply of, a prescription drug that may be provided to an enrollee or subscriber by a pharmacy.

Because a violation of these requirements would be a crime, this bill would impose a state-mandated local program by imposing a new crime.

Existing law provides for the Medi-Cal program, administered by the State Department of Health Services, under which qualified low-income recipients are provided with health care services.

This bill would require that when a pharmacy requests payment for any prescription or over-the-counter drug under the Medi-Cal program, the department use an on-line process in order to determine whether payment will be made.

Existing law provides, subject to various exclusions and limitations, for a \$1 copayment for each drug prescription or refill received by a Medi-Cal recipient.



This bill would provide that in a case where an individual is a recipient of benefits under both the Medicare program and the Medi-Cal program, the department shall pay to a pharmacy, as part of the payment for any drug for which the pharmacy is eligible to receive payment, any copayment that would be required to be collected under the terms of a health care plan in which the beneficiary is enrolled, but which is not permitted to be collected pursuant to Medi-Cal requirements.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1371.9 is added to the Health and Safety
2 Code, to read:

3 1371.9. A health care service plan that provides a prescription
4 drug benefit shall provide that any limitation on the copayment for,
5 or the supply of, a prescription drug that may be provided to an
6 enrollee or subscriber by a pharmacy, shall be uniformly imposed
7 for all pharmacies that are authorized to provide prescription drugs
8 under the plan to enrollees or subscribers.

9 SEC. 2. Section 14105.46 is added to the Welfare and
10 Institutions Code, to read:

11 14105.46. When a pharmacy requests payment for any
12 prescription or over-the-counter drug under the Medi-Cal
13 program, the department shall use an on-line process in order to
14 determine whether payment will be made, including
15 determinations of both recipient eligibility and whether the drug
16 will be covered under the specific circumstances of each case.

17 SEC. 3. Section 14105.47 is added to the Welfare and
18 Institutions Code, to read:

19 14105.47. In a case where an individual is a recipient of
20 benefits under both the Medicare program and the Medi-Cal
21 program, the department shall pay to a pharmacy, as part of the
22 payment for any drug for which the pharmacy is eligible to receive



1 payment, any copayment that would be required to be collected
2 under the terms of a health care plan in which the beneficiary is
3 enrolled, but which is not permitted to be collected pursuant to
4 Section 14134 or any other provision of this chapter.

5 SEC. 4. No reimbursement is required by this act pursuant to
6 Section 6 of Article XIII B of the California Constitution because
7 the only costs that may be incurred by a local agency or school
8 district will be incurred because this act creates a new crime or
9 infraction, eliminates a crime or infraction, or changes the penalty
10 for a crime or infraction, within the meaning of Section 17556 of
11 the Government Code, or changes the definition of a crime within
12 the meaning of Section 6 of Article XIII B of the California
13 Constitution.

