

AMENDED IN SENATE JANUARY 4, 2006

SENATE BILL

No. 221

Introduced by Senator Runner

February 15, 2005

An act to amend Section ~~120955~~ of the Health and Safety Code, relating to HIV; ~~11093.5~~ of the Government Code, relating to data analysis.

LEGISLATIVE COUNSEL'S DIGEST

SB 221, as amended, Runner. ~~AIDS Drug Assistance Program.~~
Data analysis: Antelope Valley.

Existing law requires the Employment Development Department and the Department of Finance, in the preparation and maintenance of any statistical analyses by county, to make a separate breakdown on the Antelope Valley.

This bill would instead require these departments to make a separate breakdown on the Antelope Valley for any statistical analysis performed by city, rather than by county. It would require the departments to make this separate breakdown only to the extent that data is available from federal, state, or local sources, and specifies that the departments are not required to develop or collect data for this purpose. It also would prescribe parameters for the use of data developed for federal programs.

~~Existing law requires the Director of Health Services, to the extent that state and federal funds are appropriated in the Budget Act for this purpose, to establish a program, known as the AIDS Drug Assistance Program (ADAP), to provide drug treatments to persons infected with human immunodeficiency virus (HIV).~~

~~This bill would make a technical, nonsubstantive change to that provision.~~

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

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

1 SECTION 1. Section 11093.5 of the Government Code is
 2 amended to read:

3 11093.5. (a) (1) The Employment Development Department
 4 shall, in the preparation and maintenance of any statistical
 5 analyses and data, by ~~county~~ city, either by population, fiscal, or
 6 other bases, make a separate breakdown of the Antelope Valley
 7 using the boundaries described in subdivision (b). The statistical
 8 analyses and data shall include, but is not limited to, the
 9 following: wages, consumer price index, prevailing wage,
 10 unemployment, occupational wages, and median income.

11 (2) The Department of Finance shall, in the preparation and
 12 maintenance of any statistical analyses and data, by ~~county~~ city,
 13 either by population, fiscal, or other bases, make a separate
 14 breakdown of the Antelope Valley using the boundaries
 15 described in subdivision (b). The department shall provide
 16 statistical analyses and data from any additional information it
 17 receives from the cities ~~and counties~~ that are affected by this
 18 section and the information it receives through the census.

19 (3) If the use of a tax area code is required in order to comply
 20 with paragraphs (1) and (2), an alternate method shall be used to
 21 determine the separate breakdown of the Antelope Valley. An
 22 alternate method shall include the sum of the taxable sales
 23 attributable to all of the incorporated cities in the Antelope
 24 Valley and the taxable sales attributable to the unincorporated
 25 areas of the Counties of Kern and Los Angeles that are part of the
 26 Antelope Valley.

27 (b) For purposes of this section, the Antelope Valley is the
 28 census tracts or ZIP Codes that are closely bounded by the base
 29 of the Tehachapi Mountains moving southwesterly to Interstate
 30 Highway 5, down the base of the San Gabriel Mountains moving
 31 southeasterly to the San Bernardino County line, follow the San
 32 Bernardino County line north, to the northern line of California
 33 City, then west to the base of the Tehachapi Mountains.

1 (c) The Legislature encourages the Counties of Kern and Los
2 Angeles to voluntarily provide data for the purposes of this
3 section.

4 (d) *The Department of Finance and the Employment*
5 *Development Department are required to implement the data*
6 *reporting and analysis requirements of subdivision (a) only to the*
7 *extent that data is available from the federal, state, or local*
8 *sources that provide data for other jurisdictions or is provided by*
9 *Kern and Los Angeles Counties. The departments are not*
10 *required to develop or collect data. No data shall be reported*
11 *that would violate data confidentiality agreements or rules. The*
12 *departments are not required to report data that would not meet*
13 *the statistical accuracy standards for the publication or data*
14 *series to which they relate. The departments may report special*
15 *analyses or data compilations for Antelope Valley, if*
16 *reimbursement or other funding is provided.*

17 (e) *The Employment Development Department shall request*
18 *authority to use data and analysis tools developed for federal*
19 *programs, as needed, to provide the analyses described in*
20 *subdivision (a). The department shall not be required to use*
21 *federal funds or federally controlled resources for the purposes*
22 *of this section, unless that use is allowed under federal rules.*

23 SECTION 1. ~~Section 120955 of the Health and Safety Code~~
24 ~~is amended to read:~~

25 ~~120955. (a) (1) To the extent that state and federal funds~~
26 ~~are appropriated in the annual Budget Act for these purposes, the~~
27 ~~director shall establish and may administer a program to provide~~
28 ~~drug treatments to persons infected with human~~
29 ~~immunodeficiency virus (HIV), the etiologic agent of acquired~~
30 ~~immune deficiency syndrome (AIDS). If the director makes a~~
31 ~~formal determination, in any fiscal year, that funds appropriated~~
32 ~~for the program will be insufficient to provide all of those drug~~
33 ~~treatments to existing eligible persons for the fiscal year and that~~
34 ~~a suspension of the implementation of the program is necessary,~~
35 ~~the director may suspend eligibility determinations and~~
36 ~~enrollment in the program for the period of time necessary to~~
37 ~~meet the needs of existing eligible persons in the program.~~

38 ~~(2) The director shall develop, maintain, and update as~~
39 ~~necessary a list of drugs to be provided under this program.~~

1 ~~(b) The director may grant funds to a county public health~~
2 ~~department through standard agreements to administer this~~
3 ~~program in that county. To maximize the recipients' access to~~
4 ~~drugs covered by this program, the director shall urge the county~~
5 ~~health department in counties granted these funds to decentralize~~
6 ~~distribution of the drugs to the recipients.~~

7 ~~(e) The director shall establish a rate structure for~~
8 ~~reimbursement for the cost of each drug included in the program.~~
9 ~~Rates shall not be less than the actual cost of the drug. However,~~
10 ~~the director may purchase a listed drug directly from the~~
11 ~~manufacturer and negotiate the most favorable bulk price for that~~
12 ~~drug.~~

13 ~~(d) Manufacturers of the drugs on the list shall pay the~~
14 ~~department a rebate equal to the rebate that would be applicable~~
15 ~~to the drug under Section 1927(c) of the federal Social Security~~
16 ~~Act (42 U.S.C. Sec. 1396r-8(e)) plus an additional rebate to be~~
17 ~~negotiated by each manufacturer with the department, except that~~
18 ~~no rebates shall be paid to the department under this section on~~
19 ~~drugs for which the department has received a rebate under~~
20 ~~Section 1927(e) of the federal Social Security Act (42 U.S.C.~~
21 ~~Sec. 1396r-8(e)) or that have been purchased on behalf of county~~
22 ~~health departments or other eligible entities at discount prices~~
23 ~~made available under Section 256b of Title 42 of the United~~
24 ~~States Code.~~

25 ~~(e) The department shall submit an invoice, not less than two~~
26 ~~times per year, to each manufacturer for the amount of the rebate~~
27 ~~required by subdivision (d).~~

28 ~~(f) Drugs may be removed from the list for failure to pay the~~
29 ~~rebate required by subdivision (d), unless the department~~
30 ~~determines that removal of the drug from the list would cause~~
31 ~~substantial medical hardship to beneficiaries.~~

32 ~~(g) The department may adopt emergency regulations to~~
33 ~~implement amendments to this chapter made during the 1997-98~~
34 ~~Regular Session, in accordance with the Administrative~~
35 ~~Procedure Act, Chapter 3.5 (commencing with Section 11340) of~~
36 ~~Part 1 of Division 3 of Title 2 of the Government Code. The~~
37 ~~initial adoption of emergency regulations shall be deemed to be~~
38 ~~an emergency and considered by the Office of Administrative~~
39 ~~Law as necessary for the immediate preservation of the public~~
40 ~~peace, health and safety, or general welfare. Emergency~~

1 regulations adopted pursuant to this section shall remain in effect
2 for no more than 180 days.

3 ~~(h) Reimbursement under this chapter shall not be made for~~
4 ~~any drugs that are available to the recipient under any other~~
5 ~~private, state, or federal programs, or under any other contractual~~
6 ~~or legal entitlements, except that the director may authorize an~~
7 ~~exemption from this subdivision where exemption would~~
8 ~~represent a cost savings to the state.~~

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