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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 270 Session of  
2017

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INTRODUCED BY FARRY, SAMUELSON, BAKER, STAATS, WATSON, MILLARD,  
DRISCOLL, FREEMAN, MATZIE, PICKETT, LONGIETTI, SOLOMON,  
DAVIS, BULLOCK, SCHLOSSBERG, KAVULICH, KINSEY, A. HARRIS,  
IRVIN, NEILSON, GALLOWAY, D. COSTA, MULLERY, KAUFER, SIMS,  
WARD, DONATUCCI, THOMAS, NELSON, PASHINSKI, MADDEN, McCARTER,  
W. KELLER, TOOHIL, GODSHALL AND RAVENSTAHL, MARCH 16, 2017

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REFERRED TO COMMITTEE ON AGING AND OLDER ADULT SERVICES,  
MARCH 16, 2017

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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

1 shall have the meanings given to them in this section unless the  
2 context clearly indicates otherwise:

3 \* \* \*

4 "Board." The Pharmaceutical Assistance [Review] Advisory  
5 Board.

6 \* \* \*

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

12 \* \* \*

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

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

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

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

29 Section 519. The Pharmaceutical Assistance Contract for the  
30 Elderly Needs Enhancement Tier.

1 \* \* \*

2 (b) PACENET eligibility.--A person with an annual income of  
3 not less than \$14,500 and not more than [\$23,500] \$31,000 in the  
4 case of a single person and of not less than \$17,700 and not  
5 more than [\$31,500] \$41,000 in the case of the combined income  
6 of persons married to each other shall be eligible for enhanced  
7 pharmaceutical assistance under this section. A person may, in  
8 reporting income to the department, round the amount of each  
9 source of income and the income total to the nearest whole  
10 dollar, whereby any amount which is less than 50¢ is eliminated.

11 \* \* \*

12 Section 520. Board.

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

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

20 (1) The Secretary of Aging, who shall serve as its  
21 chairman.

22 (2) The Secretary of Revenue.

23 (3) The Secretary of Health.

24 (4) [Five] Nine public members[, one appointed by the  
25 President pro tempore of the Senate, one appointed by the  
26 Minority Leader of the Senate, one appointed by the Speaker  
27 of the House of Representatives, one appointed by the  
28 Minority Leader of the House of Representatives and one  
29 appointed by the Governor. Those appointed by the legislative  
30 officers shall include two senior citizens who have not been

1 a part of the pharmaceutical industry to serve as consumer  
2 advocates, one representative of the pharmaceutical industry  
3 and one practicing Pennsylvania pharmacist. The individual  
4 appointed by the Governor must be a physician. A public  
5 member who misses two consecutive meetings without good cause  
6 acceptable to the chairman shall be replaced by the  
7 appointing authority.] appointed as follows:

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

12 (A) One member appointed by the President pro  
13 tempore of the Senate.

14 (B) One member appointed by the Minority Leader  
15 of the Senate.

16 (C) One member appointed by the Speaker of the  
17 House of Representatives.

18 (D) One member appointed by the Minority Leader  
19 of the House of Representatives.

20 (ii) Five individuals appointed by the Governor that  
21 include the following:

22 (A) One representative from the pharmaceutical  
23 industry.

24 (B) Four senior citizens who have not been a  
25 part of the pharmaceutical industry, two of whom may  
26 be senior advocates.

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

1 (c) Review.--Using the annual report submitted by the  
2 department pursuant to section 2102 and other appropriate data  
3 sources, the board shall conduct an annual review. The board  
4 shall develop recommendations concerning any changes in the  
5 level of copayment, deductible or in the level of fees paid to  
6 participating pharmacists. The board shall review the  
7 department's therapeutic drug utilization review program on an  
8 ongoing basis. The board may also recommend other changes in the  
9 structure of the program and direct the department to enter into  
10 discussions with the private contractor concerning amendments to  
11 the contract, or the department may enter into such discussion  
12 if it deems necessary. The copayment or deductible schedule  
13 shall only be adjusted on an annual basis.

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

16 (1) The development and implementation of the department  
17 proposals for medication synchronization and medication  
18 therapy management programs and reimbursement methodologies.

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

20 (3) Cost-of-living adjustment increases for medication  
21 synchronization, medication therapy management and the  
22 dispensing fee.

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

25 Section 4. The act is amended by adding a section to read:  
26 Section 522.1. Medication therapy management.

27 PACE shall, in consultation with the board, develop a  
28 proposal for a medication therapy management program by using  
29 retail community pharmacies enrolled in the program. PACE, in  
30 consultation with the board, shall submit the proposal to the

1 General Assembly no later than one year after the effective date  
2 of this section.

3 Section 5. This act shall take effect immediately.