
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 789 Session of
2017

INTRODUCED BY BROOKS, MENSCH, YUDICHAK AND VULAKOVICH,
JUNE 26, 2017

REFERRED TO AGING AND YOUTH, JUNE 26, 2017

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 board and
10 providing for medication therapy management.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. The definitions of "board" and "income" in
14 section 502 of the act of August 26, 1971 (P.L.351, No.91),
15 known as the State Lottery Law, are amended and the section is
16 amended by adding definitions to read:

17 Section 502. Definitions.

18 The following words and phrases when used in this chapter
19 shall have the meanings given to them in this section unless the
20 context clearly indicates otherwise:

21 * * *

22 "Board." The Pharmaceutical Assistance [Review] Advisory

1 Board.

2 * * *

3 "Income." All income from whatever source derived,
4 including, but not limited to, salaries, wages, bonuses,
5 commissions, income from self-employment, alimony, support
6 money, cash public assistance and relief, the gross amount of
7 any pensions or annuities, including railroad retirement
8 benefits, all benefits received under the Social Security Act
9 (49 Stat. 620, 42 U.S.C. § 301 et. seq.) net of amounts withheld
10 for Medicare Part B premium payment, all benefits received under
11 State unemployment insurance laws and veterans' disability
12 payments, all interest received from the Federal Government or
13 any state government or any instrumentality or political
14 subdivision thereof, realized capital gains, rentals, workmen's
15 compensation and the gross amount of loss of time insurance
16 benefits, life insurance benefits and proceeds, except the first
17 \$10,000 of the total of death benefits payments, and gifts of
18 cash or property, other than transfers by gift between members
19 of a household, in excess of a total value of \$300, but shall
20 not include surplus food or other relief in kind supplied by a
21 government agency, the principal and interest accrued from a
22 savings bond or property tax rebate nor shall the term include
23 any State veterans' benefit payments.

24 * * *

25 "Medication synchronization." The coordination of
26 prescription drug filling or refilling by a pharmacy or
27 dispensing physician for a program participant taking two or
28 more medications for the purpose of improving medication
29 adherence.

30 * * *

1 "State veterans' benefit payments." Service-connected
2 compensation or payments provided to a veteran or an unmarried
3 surviving spouse of a veteran by a State agency or authorized
4 under State law.

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

7 (a) Prorated daily cost-sharing rate.--The program shall
8 permit and apply a prorated daily cost-sharing rate to
9 prescription drugs that are dispensed by a pharmacy for less
10 than a 30 days' supply if the pharmacist or prescriber
11 determines the fill or refill to be in the best interest of the
12 program participant and the program participant requests or
13 agrees to less than a 30 days' supply for the purpose of
14 medication synchronization.

15 (b) Denial of coverage prohibited.--

16 (1) The program may not deny coverage of a prescription
17 drug that is made in accordance with a plan among the health
18 plan, individual beneficiary or group plan, a practitioner
19 and a pharmacist for the purpose of medication
20 synchronization.

21 (2) The program shall allow a pharmacy to override any
22 denial codes indicating that a prescription drug is being
23 refilled too soon for the purposes of medication
24 synchronization.

25 (c) Certain payment structures prohibited.--

26 (1) The program may not use payment structures
27 incorporating prorated dispensing fees.

28 (2) Dispensing fees for partially filled or refilled
29 prescriptions shall be paid in full for each prescription
30 drug dispensed, regardless of any prorated copayment for the

1 program participant or fee paid for alignment services.

2 Section 3. Section 520 of the act is amended to read:

3 Section 520. Board.

4 (a) Establishment.--The Pharmaceutical Assistance [Review]
5 Advisory Board is continued to ensure that the program is
6 providing and continues to provide the assistance intended in a
7 fiscally responsible manner without excessively hampering the
8 pharmaceutical industry.

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

11 (1) The Secretary of Aging, who shall serve as its
12 chairman.

13 (2) The Secretary of Revenue.

14 (3) The Secretary of Health.

15 (4) [Five] Nine public members[, one appointed by the
16 President pro tempore of the Senate, one appointed by the
17 Minority Leader of the Senate, one appointed by the Speaker
18 of the House of Representatives, one appointed by the
19 Minority Leader of the House of Representatives and one
20 appointed by the Governor. Those appointed by the legislative
21 officers shall include two senior citizens who have not been
22 a part of the pharmaceutical industry to serve as consumer
23 advocates, one representative of the pharmaceutical industry
24 and one practicing Pennsylvania pharmacist. The individual
25 appointed by the Governor must be a physician. A public
26 member who misses two consecutive meetings without good cause
27 acceptable to the chairman shall be replaced by the
28 appointing authority.] appointed as follows:

29 (i) Four practicing Pennsylvania pharmacists whose
30 names are jointly submitted by the Pennsylvania

1 Pharmacists Association and the Pennsylvania Association
2 of Chain Drug Stores and then appointed by the following:

3 (A) One member appointed by the President pro
4 tempore of the Senate.

5 (B) One member appointed by the Minority Leader
6 of the Senate.

7 (C) One member appointed by the Speaker of the
8 House of Representatives.

9 (D) One member appointed by the Minority Leader
10 of the House of Representatives.

11 (ii) Five individuals appointed by the Governor that
12 include the following:

13 (A) One representative from the pharmaceutical
14 industry.

15 (B) Four senior citizens who have not been a
16 part of the pharmaceutical industry, two of whom may
17 be senior advocates.

18 (5) Should a board vacancy not be filled by the
19 appointing authority within 60 days, the power to appoint an
20 individual to the vacancy shall be given to the Secretary of
21 Aging.

22 (c) Review.--Using the annual report submitted by the
23 department pursuant to section 2102 and other appropriate data
24 sources, the board shall conduct an annual review. The board
25 shall develop recommendations concerning any changes in the
26 level of copayment, deductible or in the level of fees paid to
27 participating pharmacists. The board shall review the
28 department's therapeutic drug utilization review program on an
29 ongoing basis. The board may also recommend other changes in the
30 structure of the program and direct the department to enter into

1 discussions with the private contractor concerning amendments to
2 the contract, or the department may enter into such discussion
3 if it deems necessary. The copayment or deductible schedule
4 shall only be adjusted on an annual basis.

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

7 (1) The development and implementation of the department
8 proposals for medication synchronization and medication
9 therapy management programs and reimbursement methodologies.

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

11 (3) Cost-of-living adjustment increases for medication
12 synchronization, medication therapy management and the
13 dispensing fee.

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

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

18 PACE shall, in consultation with the board, develop a
19 proposal for a medication therapy management program by using
20 retail community pharmacies enrolled in the program. PACE, in
21 consultation with the board, shall submit the proposal to the
22 General Assembly no later than one year after the effective date
23 of this section.

24 Section 5. This act shall take effect immediately.