

1 A bill to be entitled
2 An act relating to assistance in obtaining
3 prescription drugs; creating s. 430.83, F.S.;
4 providing a popular name; providing
5 definitions; providing legislative findings and
6 intent; creating the Sunshine for Seniors
7 Program to assist low-income seniors with
8 obtaining prescription drugs from
9 manufacturers' pharmaceutical assistance
10 programs; providing implementation and
11 oversight duties of the Department of Elderly
12 Affairs; providing for community partnerships;
13 providing for contracts; requiring annual
14 evaluation reports on the program; specifying
15 that the program is not an entitlement;
16 providing an appropriation and authorizing a
17 position; amending s. 409.904, F.S.; postponing
18 the effective date of changes to standards for
19 eligibility for certain optional medical
20 assistance, including coverage under the
21 medically needy program; providing
22 appropriations; providing for retroactive
23 application; providing effective dates.

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25 Be It Enacted by the Legislature of the State of Florida:

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27 Section 1. Section 430.83, Florida Statutes, is
28 created to read:
29 430.83 Sunshine for Seniors Program.--
30 (1) POPULAR NAME.--This section shall be known by the
31 popular name "The Sunshine for Seniors Act."

1 (2) DEFINITIONS.--As used in this section, the term:

2 (a) "Application assistance organization" means any
3 private organization that assists individuals with obtaining
4 prescription drugs through manufacturers' pharmaceutical
5 assistance programs.

6 (b) "Eligible individual" means any individual who is
7 60 years of age or older who lacks adequate pharmaceutical
8 insurance coverage.

9 (c) "Manufacturers' pharmaceutical assistance program"
10 means any program offered by a pharmaceutical manufacturer
11 which provides low-income individuals with prescription drugs
12 free or at reduced prices, including, but not limited to,
13 senior discount card programs and patient assistance programs.

14 (3) LEGISLATIVE FINDINGS AND INTENT.--The Legislature
15 finds that the pharmaceutical manufacturers, seeing a need,
16 have created charitable programs to aid low-income seniors
17 with the cost of prescription drugs. The Legislature also
18 finds that many low-income seniors are unaware of such
19 programs or either do not know how to apply for or need
20 assistance in completing the applications for such programs.
21 Therefore, it is the intent of the Legislature that the
22 Department of Elderly Affairs, in consultation with the Agency
23 for Health Care Administration, implement and oversee the
24 Sunshine for Seniors Program to help seniors in accessing
25 manufacturers' pharmaceutical assistance programs.

26 (4) SUNSHINE FOR SENIORS PROGRAM.--There is
27 established a program to assist low-income seniors with
28 obtaining prescription drugs from manufacturers'
29 pharmaceutical assistance programs, which shall be known as
30 the "Sunshine for Seniors Program." Implementation of the
31 program is subject to the availability of funding and any

1 limitations or directions provided for by the General
2 Appropriations Act or chapter 216.

3 (5) IMPLEMENTATION AND OVERSIGHT DUTIES.--In
4 implementing and overseeing the Sunshine for Seniors Program,
5 the Department of Elderly Affairs:

6 (a) Shall promote the availability of manufacturers'
7 pharmaceutical assistance programs to eligible individuals
8 with various outreach initiatives.

9 (b) Shall, working cooperatively with pharmaceutical
10 manufacturers and consumer advocates, develop a uniform intake
11 form to be completed by seniors who wish to participate in the
12 Sunshine for Seniors Program.

13 (c) May request proposals from application assistance
14 organizations to assist eligible individuals with obtaining
15 prescription drugs through manufacturers' pharmaceutical
16 assistance programs.

17 (d) Shall train volunteers to help eligible
18 individuals fill out applications for the manufacturers'
19 pharmaceutical assistance programs.

20 (e) Shall train volunteers to determine when
21 applicants may be eligible for other state programs and refer
22 them to the proper entity for eligibility determination for
23 such programs.

24 (f) Shall seek federal funds to help fund the Sunshine
25 for Seniors Program.

26 (g) May seek federal waivers to help fund the Sunshine
27 for Seniors Program.

28 (6) COMMUNITY PARTNERSHIPS.--The Department of Elderly
29 Affairs may build private-sector and public-sector
30 partnerships with corporations, hospitals, physicians,
31 pharmacists, foundations, volunteers, state agencies,

1 community groups, area agencies on aging, and any other
2 entities that will further the intent of this section. These
3 community partnerships may also be used to facilitate other
4 pro bono benefits for eligible individuals, including, but not
5 limited to, medical, dental, and prescription services.

6 (7) CONTRACTS.--The Department of Elderly Affairs may
7 select and contract with application assistance organizations
8 to assist eligible individuals in obtaining their prescription
9 drugs through the manufacturers' pharmaceutical assistance
10 programs. If the department contracts with an application
11 assistance organization, the department shall evaluate
12 quarterly the performance of the application assistance
13 organization to ensure compliance with the contract and the
14 quality of service provided to eligible individuals.

15 (8) REPORTS AND EVALUATIONS.--By January 1 of each
16 year, while the Sunshine for Seniors Program is operating, the
17 Department of Elderly Affairs shall report to the Legislature
18 regarding the implementation and operation of the Sunshine for
19 Seniors Program.

20 (9) NONENTITLEMENT.--The Sunshine for Seniors Program
21 established by this section is not an entitlement. If funds
22 are insufficient to assist all eligible individuals, the
23 Department of Elderly Affairs may develop a waiting list
24 prioritized by application date.

25 Section 2. The sum of \$226,660 is appropriated from
26 the General Revenue Fund to the Department of Elderly Affairs,
27 and one position is authorized, to implement section 1 of this
28 act during the 2003-2004 fiscal year.

29 Section 3. Subsection (2) of section 409.904, Florida
30 Statutes, is amended to read:

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1 409.904 Optional payments for eligible persons.--The
2 agency may make payments for medical assistance and related
3 services on behalf of the following persons who are determined
4 to be eligible subject to the income, assets, and categorical
5 eligibility tests set forth in federal and state law. Payment
6 on behalf of these Medicaid eligible persons is subject to the
7 availability of moneys and any limitations established by the
8 General Appropriations Act or chapter 216.

9 (2) A caretaker relative or parent, a pregnant woman,
10 a child under age 19 who would otherwise qualify for Florida
11 Kidcare Medicaid, a child up to age 21 who would otherwise
12 qualify under s. 409.903(1), a person age 65 or over, or a
13 blind or disabled person, who would otherwise be eligible for
14 Florida Medicaid, except that the income or assets of such
15 family or person exceed established limitations. For a family
16 or person in one of these coverage groups, medical expenses
17 are deductible from income in accordance with federal
18 requirements in order to make a determination of eligibility.
19 Expenses used to meet spend-down liability are not
20 reimbursable by Medicaid. Effective July ~~May~~ 1, 2003, when
21 determining the eligibility of a pregnant woman, a child, or
22 an aged, blind, or disabled individual, \$270 shall be deducted
23 from the countable income of the filing unit. When determining
24 the eligibility of the parent or caretaker relative as defined
25 by Title XIX of the Social Security Act, the additional income
26 disregard of \$270 does not apply. A family or person eligible
27 under the coverage known as the "medically needy," is eligible
28 to receive the same services as other Medicaid recipients,
29 with the exception of services in skilled nursing facilities
30 and intermediate care facilities for the developmentally
31 disabled.

1 Section 4. The non-recurring sums of \$8,265,777 from
2 the General Revenue Fund, \$2,505,224 from the Grants and
3 Donations Trust Fund, and \$11,727,287 from the Medical Care
4 Trust Fund are appropriated to the Agency for Health Care
5 Administration to implement section 3 of this act during the
6 2002-2003 fiscal year.

7 Section 5. This act shall take effect upon becoming a
8 law, but if it becomes a law after May 1, 2003, sections 3 and
9 4 of this act shall operate retroactively to that date.

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