

No. 1985-27

AN ACT

HB 175

Amending the act of November 4, 1983 (P.L.217, No.63), entitled "An act establishing a program of limited pharmaceutical assistance for the elderly; granting powers to and imposing duties on the Department of Aging; establishing a payment system; making provisions for funding; providing for reports; and fixing penalties for violations of the pharmaceutical assistance program," further providing for program criteria; and providing for a prescription drug education program.

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

Section 1. Section 4(e)(6) and (9) of the act of November 4, 1983 (P.L.217, No.63), known as the Pharmaceutical Assistance Contract for the Elderly Act, are amended to read:

Section 4. Responsibilities of Department of Aging.

* * *

(e) Program criteria.—The program shall include the following criteria:

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(6) The program shall consist of payments to pharmacies on behalf of eligible claimants for the average wholesale cost of legend drugs, insulin, insulin syringes and insulin needles which exceed the copayment and a dispensing fee of at least \$2.50 *or the dispensing fee required by the Department of Welfare under its Medical Assistance Program under the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, whichever is greater*. In no case shall the Commonwealth be charged more than the price of the drug at the particular pharmacy on the date of the sale. For the purpose of this act, the eligible claimant shall be liable to pay the difference between the brand name drug and the generically equivalent drug as approved under the provisions of the act of November 24, 1976 (P.L.1163, No.259), referred to as the Generic Equivalent Drug Law. Only the physician may prescribe a nongeneric medication.

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(9) **[A system of mail order delivery for prescriptions shall be prohibited under this program.]** *The department may not enter into a contract with a private contractor for an exclusive mail order system for the delivery of prescription drugs under this program. Only mail order pharmacy services provided by pharmacies which are licensed by the Commonwealth and which have their principal place of business within this Commonwealth may participate as providers under the program. Within a period of six months following the effective date of this amendatory act, the department shall develop and promulgate specific regulations governing the practice of mail order pharmacy and other enrolled providers to include the following minimum standards of practice to ensure the health, safety and welfare of program participants:*

(i) *The appropriate method or methods by which such pharmacies shall verify the identity of the program recipient and the authenticity of prescriptions received.*

(ii) *The appropriate method or methods by which such pharmacies shall mail or deliver prescription drugs to program recipients ensuring, to the maximum extent possible, that the intended program recipient is the actual ultimate recipient of any prescription dispensed by such pharmacies.*

(iii) *The appropriate method or methods by which such pharmacies shall communicate with program participants in emergency situations.*

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Section 2. The act is amended by adding a section to read:

Section 4.1. Prescription drug education program.

The department, in cooperation with the Department of Health, shall develop and implement a Statewide prescription drug education program designed to inform older adults of the dangers of prescription drug abuse and misuse. The prescription drug education program shall include, but not be limited to, information concerning the following:

(1) *The hazards of prescription drug overdose.*

(2) *The potential dangers of mixing prescription drugs.*

(3) *The danger of retaining unused prescription drugs after the need to take them no longer exists.*

(4) *The necessity to carefully question physicians and pharmacists concerning the effects of taking prescription drugs.*

(5) *The advisability of maintaining a prescription drug profile or other record of prescription drug dosage and frequency of dosage.*

(6) *The desirability of advising family members of the types and proper dosage of prescription drugs which are being taken.*

(7) *The dangers of taking prescription drugs in excess of prescribed dosages.*

(8) *The need to obtain complete, detailed directions from the physician or pharmacist concerning the time period a prescription drug should be taken.*

Section 3. This act shall take effect immediately.

APPROVED—The 26th day of June, A. D. 1985.

DICK THORNBURGH