

By: Oliverson

H.B. No. 3026

A BILL TO BE ENTITLED

AN ACT

relating to the administration of a prescription drug manufacturer or third-party prescription assistance program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 65.002(b), Health and Safety Code, is amended to read as follows:

(b) The purpose of this chapter is to authorize the commission to establish a program to provide uninsured individuals access to prescription drug benefits using money from the fund to pay an amount equal to the value of a prescription drug rebate at the point of sale and returning that rebate amount to the fund to ensure the amounts credited to the fund equal the amounts paid from the fund.

SECTION 2. Section 65.051(a), Health and Safety Code, is amended to read as follows:

(a) The commission may [~~shall~~] develop and design a prescription drug savings program that partners with a pharmacy benefit manager to offer prescription drugs at a discounted rate to uninsured individuals.

SECTION 3. Section 65.204, Health and Safety Code, is amended to read as follows:

Sec. 65.204. ANNUAL PROGRAM REPORTS. Not later than December 1 of each year following the first year in which the program is established, the commission shall provide a written

1 report to the governor, lieutenant governor, speaker of the house
2 of representatives, and standing committees of the legislature with
3 primary jurisdiction over the program. The report must include:

4 (1) a line-item list of all program administrative
5 costs incurred by the commission;

6 (2) the amount of the pharmacy benefit manager and
7 third-party administrator fees;

8 (3) the aggregate amounts of rebates anticipated and
9 received for the program; and

10 (4) other program expenditures as the commission
11 determines appropriate.

12 SECTION 4. Subtitle C, Title 2, Health and Safety Code, is
13 amended by adding Chapter 66 to read as follows:

14 CHAPTER 66. PRESCRIPTION DRUG ASSISTANCE PROGRAM

15 SUBCHAPTER A. GENERAL PROVISIONS

16 Sec. 66.001. DEFINITIONS. In this chapter:

17 (1) "Prescription drug" has the meaning assigned by
18 Section 551.003, Occupations Code.

19 (2) "Program" means the prescription drug assistance
20 program established under this chapter.

21 Sec. 66.002. CONSTRUCTION OF CHAPTER; PURPOSE. (a) This
22 chapter does not establish an entitlement to assistance in
23 obtaining benefits for certain individuals.

24 (b) The purpose of this chapter is to authorize the
25 commission to establish a program to provide certain individuals
26 access to prescription drug benefits using a prescription drug
27 manufacturer or third-party prescription assistance programs.

1 (c) This chapter does not expand the Medicaid program.

2 Sec. 66.003. RULES. The executive commissioner may adopt
3 the rules necessary to implement this chapter.

4 SUBCHAPTER B. ESTABLISHMENT AND ADMINISTRATION OF PRESCRIPTION
5 DRUG ASSISTANCE PROGRAM

6 Sec. 66.051. ESTABLISHMENT OF PROGRAM. (a) The commission
7 shall develop and design a prescription drug assistance program to
8 increase access to prescription drugs for certain individuals
9 through a prescription drug manufacturer or other third-party
10 patient assistance program.

11 (b) In developing and implementing the program, the
12 commission shall ensure the program benefits exclude prescription
13 drugs used for the elective termination of a pregnancy.

14 (c) The commission shall ensure the program is designed to
15 provide the greatest value to program enrollees by considering:

16 (1) the adequacy of prescription drugs available
17 through the program;

18 (2) the net costs of the drugs to enrollees;

19 (3) the cost to this state; and

20 (4) other important factors as determined by the
21 commission.

22 Sec. 66.052. GENERAL POWERS AND DUTIES OF COMMISSION. (a)
23 The commission shall oversee the implementation of the program and
24 develop procedures for accepting applications for program
25 enrollment.

26 (b) The commission shall list in a central location on the
27 commission's Internet website information that directs a patient to

1 the appropriate assistance available under the program.

2 (c) To the extent feasible, the commission shall integrate a
3 prescription drug manufacturer or third-party patient assistance
4 program into the prescription drug assistance program. A
5 prescription drug manufacturer or other third party may decline to
6 link the prescription drug manufacturer's or third party's patient
7 assistance program to the prescription drug assistance program.

8 Sec. 66.053. CONTRACT AND GRANT AUTHORITY. (a) The
9 commission may contract with a third-party administrator or other
10 entity to perform any or all of the commission's program duties
11 under this chapter.

12 (b) A third-party administrator or other entity under a
13 contract entered into under Subsection (a) may perform the actions
14 the commission would otherwise perform to implement the program.

15 (c) The commission may award grants to or enter into other
16 arrangements with a governmental entity or nonprofit organization
17 to implement this chapter.

18 Sec. 66.054. COMMUNITY OUTREACH AND EDUCATION CAMPAIGN. The
19 commission shall conduct a community outreach and education
20 campaign to provide information on the program's availability to
21 eligible individuals.

22 SUBCHAPTER C. FUNDING; PROGRAM SUSPENSION

23 Sec. 66.101. FUNDING. (a) The commission may accept and
24 use money to implement this chapter, including:

- 25 (1) gifts, grants, and donations;
26 (2) legislative appropriations; and
27 (3) federal money available under law.

1 (b) Money accepted under Subsection (a) may be used only to
2 administer the prescription drug assistance program and provide
3 program services.

4 Sec. 66.102. SUFFICIENT FUNDING REQUIRED. Notwithstanding
5 any other provision of this chapter, the commission is not required
6 to implement the program unless appropriated money is made
7 available for the program.

8 SUBCHAPTER D. PROGRAM ELIGIBILITY AND ENROLLEE REQUIREMENTS

9 Sec. 66.151. ELIGIBILITY CRITERIA. (a) Except as provided
10 by Subsection (b), an individual is eligible for benefits under the
11 program if the individual meets eligibility criteria as determined
12 by a prescription drug manufacturer or other third party's
13 prescription assistance program.

14 (b) The commission may identify additional factors the
15 program must consider for program eligibility.

16 SUBCHAPTER E. OPERATION OF PROGRAM

17 Sec. 66.201. PROGRAM BENEFITS. The commission must approve
18 program benefits offered under this chapter. The commission shall
19 ensure the benefits comply with all applicable federal and state
20 laws and rules.

21 Sec. 66.202. REPORT. (a) A third-party administrator or
22 other entity the commission contracts with under Section 66.053
23 shall report to the commission in the form and manner prescribed by
24 the commission on the benefits and services provided under the
25 program.

26 (b) The commission shall establish a procedure to monitor
27 the provision of benefits and services under this chapter.

1 Sec. 66.203. ANNUAL PROGRAM REPORT. Not later than
2 December 1 of each year, the commission shall provide a written
3 report to the governor, lieutenant governor, speaker of the house
4 of representatives, and standing committees of the legislature with
5 primary jurisdiction over the program. The report must include:

6 (1) a line-item list of all program administrative
7 costs incurred by the commission, including costs incurred by a
8 third-party administrator or other entity;

9 (2) the aggregate amount of prescription drug cost
10 savings accrued under the program; and

11 (3) other program expenditures as the commission
12 determines appropriate.

13 SECTION 5. Section 65.102, Health and Safety Code, is
14 repealed.

15 SECTION 6. The Health and Human Services Commission is
16 required to implement a provision of this Act only if the
17 legislature appropriates money specifically for that purpose. If
18 the legislature does not appropriate money specifically for that
19 purpose, the Health and Human Services Commission may, but is not
20 required to, implement a provision of this Act using other
21 appropriations available for that purpose.

22 SECTION 7. As soon as practicable after the effective date
23 of this Act, the executive commissioner of the Health and Human
24 Services Commission and any other state agency designated by the
25 executive commissioner shall adopt rules necessary to implement
26 Chapter 65, Health and Safety Code, as amended by this Act, and
27 Chapter 66, Health and Safety Code, as added by this Act.

1 SECTION 8. This Act takes effect September 1, 2023.