



Am. Sub. H.B. 4

124th General Assembly
(As Passed by the House)

Reps. Hagan, Jolivette, Goodman, Gilb, Schneider, Kearns, Fessler, Aslanides, Collier, Britton, Driehaus, Fedor, Young, Barrett, Flowers, Rhine, Flannery, Core, Evans, Woodard, Peterson, Otterman, Latta, Carmichael, Niehaus, Seitz, Buehrer, Jones, Cates, Carey, Strahorn, Schmidt, Husted, DeWine, Metzger, Allen, Willamowski, WomerBenjamin, Cirelli, Oakar, Ogg, Redfern, Coates, Metelsky, Sulzer, Perry, DePiero, Faber, S. Smith, Callender, Key, Damschroder, Manning, Wilson, Widowfield, Hollister, Lendrum, Latell, Krupinski, G. Smith, Hughes, White, Reidelbach, Oلمان, Reinhard, Jerse, Clancy, Salerno

BILL SUMMARY

- Requires the Department of Aging to establish a prescription drug discount card program.
- Requires the Director of Aging to contract with a program administrator based on rules the Director adopts.
- If provided for by rules adopted by the Director, permits the program administrator to charge a fee for the prescription drug discount card.
- Provides that records identifying recipients of Golden Buckeye Cards or prescription drug discount cards are not public records and may be disclosed only at the Director's discretion.

CONTENT AND OPERATION

Background

Ohio residents who are at least age 60 or disabled are eligible for a Golden Buckeye Card. Under the Golden Buckeye Card Program, businesses participate voluntarily and self-design the type of discount or other benefits to be offered to cardholders. According to the Department of Aging, over two million Ohioans and 23,500 businesses participate in the Program.

Establishment of prescription drug discount card program

(sec. 173.061)

The bill requires the Director of Aging to establish a prescription drug discount card program that enables cardholders to receive discounts on prescription drugs dispensed at participating pharmacies.¹ A card must be provided to any Ohio resident who is at least age 60 or disabled and applies for the card in accordance with administrative rules the Director adopts.²

Selection of program administrator

With approval from the Controlling Board, the Director of Aging is required to contract with an entity separate from the Department of Aging to act as the program's administrator. The Director must adopt rules for administration of the program and accept proposals that provide for administration consistent with the rules. The administrator must be chosen on the basis of the proposals submitted, but the Director may require the administrator to modify its conduct of the program in accordance with rules adopted by the Director. The Director is to specify in rules the duration of and may terminate the contract if the administrator does not conduct the program in accordance with the proposal or any modifications required by rules. When the contract period ends or the contract is terminated, the Director must enter into a new contract. Prior to making a new contract, the Director may modify the rules for administration of the program.

Restrictions on use of participant information

The bill prohibits the administrator from selling any information concerning a person who holds a prescription drug discount card, other than aggregate information that does not identify the cardholder, without the cardholder's written consent. The bill provides that the administrator's parent company and any subsidiary of the parent company are subject to this prohibition.

¹ "Prescription drug" means a drug that may not be dispensed without a prescription from a licensed health professional authorized to prescribe drugs. "Pharmacy" means any place where the "practice of pharmacy" is conducted. The "practice of pharmacy" includes dispensing drugs.

² A "disabled person" is a person who has some impairment of body or mind that makes the person unfit to work at any substantially remunerative employment without any present indication of recovery therefrom or who has been certified as permanently and totally disabled by an Ohio or federal agency.

Unless written consent from a cardholder is obtained, the bill prohibits the administrator, its parent company, and its subsidiaries from using any personally identifiable information concerning a cardholder that it obtains through the program to promote or sell a program or product being offered that is unrelated to the administration of the program. The bill specifies that this provision does not prohibit contacting cardholders concerning participation in or administration of the program. For example, it is permissible to mail a list of pharmacies participating in the program's network.

Discount card fee

The rules for administration of the program may permit the administrator to charge a fee for the prescription drug discount card, which may be a one-time or periodic fee. If the rules permit a fee, each entity that submits a proposal that includes a fee must specify the amount of the fee and the period to which the fee will apply. If a fee is charged, the rules may require the administrator to issue the cards. If no fee is charged, the rules may either require the administrator to issue the cards or include the prescription drug discount information on Golden Buckeye Cards.

Administrative rules

The bill requires the Director to adopt rules in accordance with the Administrative Procedure Act (Revised Code Chapter 119.) governing the program. In addition to the rules mentioned above, the Director must adopt rules that do all of the following:

- (1) Specify how a resident may apply to receive a prescription drug discount card.
- (2) Specify the circumstances under which the Director may require the administrator to modify its conduct of the program.
- (3) Specify the duration of the contract with the program administrator.
- (4) Require that the administrator permit any pharmacy willing to comply with the administrator's terms and conditions for participation in the program's network to participate in any network used by the administrator for the program.
- (5) Prohibit the administrator from requiring a pharmacy to participate in the program's network as a condition of participating in another network operated by the administrator.

Public records law

(sec. 173.062)

Ohio's public records law generally requires every public office to promptly prepare and make available for inspection all public records. The bill provides that records identifying Golden Buckeye Card or prescription drug discount card recipients are not public records and may be disclosed only at the discretion of the Director.

Costs of prescription drug discount program

(sec. 173.06)

Current law requires the Department of Aging to bear all costs of the Golden Buckeye Card Program. The bill provides that the Department is not required to bear any costs of that program that are related to the prescription drug discount program.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	01-30-01	p. 92
Reported, H. Health & Family Services	05-30-01	p. 609
Passed House (95-1)	06-05-01	pp. 617-621

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