

Senate Bill 304

By: Senators Fort of the 39th and Levetan of the 40th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 49 of the Official Code of Georgia Annotated, relating to social services, so
2 as to provide for legislative intent and definitions; to provide authority to the Department of
3 Human Resources to administer a program for access to prescription drugs for older
4 Georgians; to provide for contracts and other powers, duties, and functions; to provide for
5 administering the funding for such a program from whatever source; to provide for the
6 development of rules and regulations for such a program; to provide for related matters; to
7 provide effective dates; to repeal conflicting laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Title 49 of the Official Code of Georgia Annotated, relating to social services, is amended
11 by adding after Code Section 49-6-77, relating to rules and regulations to implement Georgia
12 Family Caregiver Support, a new article to read as follows:

13 **"ARTICLE 7**

14 49-6-90.

15 This article shall be known and may be cited as the "Georgia Rx Plan for Seniors Act."

16 49-6-91.

17 The intent of the General Assembly is to implement a program to enable the state to
18 provide affordable access to medically necessary prescription drugs for qualified senior
19 residents of this state who do not qualify for prescription drug assistance under the
20 "Georgia Medical Assistance Act of 1977," as amended, in an effort to improve their
21 overall health and quality of life. It is further the intent of the General Assembly that the
22 Department of Human Resources shall serve as the agency responsible for planning and
23 implementing the prescription drug program for seniors.

1 49-6-92.

2 As used in this article, the term:

3 (1) 'Department' means Department of Human Resources.

4 (2) 'Division of Aging Services' means the single organizational unit within the
5 Department of Human Resources responsible for the planning and administration of
6 services under the Older Americans Act of 1965.

7 (3) 'Elderly person' means any person 65 years of age or older.

8 (4) 'Prescription program' means the Georgia Rx Plan For Seniors.

9 (5) 'Qualified resident' means an elderly person as defined in paragraph (3) of this Code
10 section who has been a resident of this state for six months and meets the criteria of the
11 prescription program.

12 49-6-93.

13 (a) The department shall establish a prescription program section for the Georgia Rx Plan
14 for Seniors within the Division of Aging Services. The prescription program section shall
15 plan and oversee implementation of the Georgia Rx Plan for Seniors which shall provide
16 qualified residents with access to prescription drugs. The prescription program section
17 shall develop the criteria that shall be used to determine eligibility for the prescription
18 program and to conduct a periodic review of the eligibility of participants in the program
19 unless funding is provided by a source other than an appropriation by the General
20 Assembly and such criteria are provided by such source. The prescription program section
21 shall utilize and access all existing prescription programs as well as develop and implement
22 new means of access to prescription drugs for qualified residents.

23 (b) The department shall designate specified geographic service areas which shall be
24 defined in such a way as to ensure the efficient delivery of prescription program services.

25 (c) The department shall develop operating procedures and guidelines and shall contract
26 with or through area agencies on aging to provide benefits pursuant to this article. The
27 department may also contract directly with other support centers or service providers where
28 such service is provided on a state-wide basis or where necessary or appropriate. The
29 department shall have the authority to develop criteria through the promulgation of
30 regulations relating to eligibility for assistance pursuant to this article unless funding is
31 provided by a source other than an appropriation by the General Assembly and such criteria
32 are provided by such source.

33 (d) In accordance with rules and regulations promulgated by the department, fees may be
34 collected on a sliding scale based upon income and economic need. Individuals may make
35 contributions to the prescription program. Such contributions may not be a condition of
36 services and shall only be used to further the provision of prescription program services.

1 49-6-94.

2 The department shall adopt rules and regulations necessary to implement the provisions of
3 this article.

4 49-6-95.

5 Nothing in this article shall create or provide any individual with an entitlement to services,
6 supplies, or benefits which will be made available only to the extent of the availability and
7 level of appropriations made by the General Assembly or funding availability from other
8 sources.

9 49-6-96.

10 Funding authorized under this article shall not be used to displace benefits, entitlements,
11 or resources available under other programs."

12 **SECTION 2.**

13 For purposes of promulgating rules and regulations, Section 1 of this Act shall become
14 effective on July 1 of the year in which funds are specifically appropriated for the purposes
15 of this Act in an appropriations Act making specific reference to this Act and shall become
16 effective when funds so appropriated become available for expenditure. For all other
17 purposes, Section 1 of this Act shall become effective on January 1 of the year following the
18 year in which funds are specifically appropriated for the purposes of this Act in an
19 appropriations Act making specific reference to this Act and shall become effective when
20 funds so appropriated become available for expenditure. The remaining provisions of this
21 Act shall become effective July 1, 2003.

22 **SECTION 3.**

23 All laws and parts of laws in conflict with this Act are repealed.