

SENATE BILL No. 113

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-41-19.5.

Synopsis: Post-kidney transplant maintenance drugs. Establishes the post-kidney transplant program within the state department of health. Requires the post-kidney transplant program to pay for the costs of immunosuppressive drugs of eligible kidney transplant patients that: (1) are not paid by other entities; and (2) meet the criteria established by the state department of health.

Effective: July 1, 1999.

Breaux

January 6, 1999, read first time and referred to Committee on Health and Provider Services.

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First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

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SENATE BILL No. 113



A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-41-19.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 1999]:

4 **Chapter 19.5. Prevention and Treatment Programs:**
5 **Post-Kidney Transplant Program**

6 **Sec. 1. The state department shall establish a program to pay**
7 **recipients eligible under this chapter for costs of**
8 **immunosuppressive drugs prescribed exclusively for post-kidney**
9 **transplant maintenance if the costs of the drugs are not reimbursed**
10 **from other sources.**

11 **Sec. 2. An individual who meets the following requirements is**
12 **eligible for the post-kidney transplant program:**

13 (1) **The individual has submitted a properly completed**
14 **application on a form supplied by the state department.**

15 (2) **The individual has a household income that is not more**
16 **than two hundred percent (200%) of the federal poverty level**
17 **as determined by the federal Office of Management and**



- 1 **Budget.**
2 (3) The individual is a resident of Indiana and has resided in
3 Indiana for twelve (12) months before submitting the
4 application. An individual is not excluded from the program
5 for receiving a kidney transplant outside Indiana.
6 (4) The individual meets any other eligibility standards
7 adopted by the state department.
- 8 **Sec. 3. (a)** The state department shall determine the maximum
9 amount the state department will pay each eligible post-kidney
10 transplant program applicant based on the following criteria:
11 (1) Available money.
12 (2) Covered immunosuppressive drugs.
13 (3) The terms of any contract between the state department
14 and the patient's health care provider.
15 (4) The reimbursement rate for a post-kidney transplant drug
16 may not be greater than the Medicaid reimbursement rate for
17 the drug, minus a copayment by the recipient.
- 18 **(b)** The state health commissioner may restrict or categorize
19 payments for post-kidney transplant drugs to meet budgetary
20 limitations.
- 21 **Sec. 4. (a)** Except as provided in subsection (b), the state
22 department may not reimburse an eligible recipient under the
23 post-kidney transplant program for drug costs that are reimbursed
24 or eligible for reimbursement by a governmental entity or other
25 third party, including Medicaid, Medicare, the Veterans
26 Administration, a health insurance company, or a health
27 maintenance organization.
- 28 **(b)** The state health commissioner may waive the requirements
29 of subsection (a) on a case by case basis if the commissioner
30 determines that enforcement of subsection (a) will deny services to
31 a class of post-kidney transplant patients because of conflicting
32 state or federal law.
- 33 **(c)** The state department shall adopt rules under IC 4-22-2 to
34 ensure that all required benefit payments for post-kidney
35 transplant drugs under subsection (a) are properly paid.
- 36 **Sec. 5.** The state department shall:
37 (1) maintain an immunosuppressive drug formulary that
38 includes the drugs that are eligible for reimbursement under
39 the post-kidney transplant program;
40 (2) establish an internal review procedure for updating the
41 formulary that includes procedures for adding and deleting
42 drugs from the formulary; and



1 **(3) review the formulary at least quarterly each year.**
2 **Sec. 6. (a) The post-kidney transplant program fund is**
3 **established for the purpose of providing payment of**
4 **immunosuppressive drugs to eligible kidney transplant patients**
5 **under this chapter. The fund shall be administered by the state**
6 **department.**
7 **(b) The expenses of administering the fund shall be paid from**
8 **money in the fund.**
9 **(c) The treasurer of state shall invest money in the fund not**
10 **currently needed to meet the obligations of the fund in the same**
11 **manner as other public money may be invested. Interest that**
12 **accrues from these investments shall be deposited in the fund.**
13 **(d) Money in the fund consists of appropriations, gifts, grants,**
14 **and donations from public or private sources. Money in the fund**
15 **at the end of a state fiscal year does not revert to the state general**
16 **fund.**
17 **Sec. 7. The state department may adopt rules under IC 4-22-2**
18 **that are necessary to implement this chapter.**

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