

Fifty-ninth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1465

Introduced by

Representatives Price, Delzer, Devlin

Senators Brown, Fischer, J. Lee

1 A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota
2 Century Code, relating to the management of the state medical assistance program; to provide
3 for a report; to provide an appropriation; and to declare an emergency.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 50-24.1 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Medical assistance and medicare prescription drug management program.** The
8 department of human services, with respect to the state medical assistance program, shall
9 develop a plan for the implementation of the Medicare Prescription Drug, Improvement, and
10 Modernization Act of 2003 [Pub. L. 108-173; 117 Stat. 2066; 42 U.S.C. 1396kk-1]. The
11 department may purchase the services of an outside consultant to assist in the development of
12 the plan. The requirements of chapter 54-44.4 do not apply to the purchase of the consultant
13 services. The department may not pay for:

- 14 1. A prescription drug that is within a class of drugs covered under the Medicare
15 Prescription Drug, Improvement, and Modernization Act of 2003 [Pub. L. 108-173;
16 117 Stat. 2066; 42 U.S.C. 1396kk-1] and which is prescribed to a medical
17 assistance recipient who is also a medicare beneficiary.
- 18 2. A prescription drug that is not covered and for which no drug in its class is covered
19 under the Medicare Prescription Drug, Improvement, and Modernization Act of
20 2003 [Pub. L. 108-173; 117 Stat. 2066; 42 U.S.C. 1396kk-1] and which is
21 prescribed for an individual who is a medical assistance recipient and a medicare
22 beneficiary unless federal medical assistance matching funds are available at no
23 less than the federal medical assistance percentage and the department
24 determines that the drug is medically necessary for the individual.

1 3. A prescription drug for which federal medical assistance matching funds are not
2 available except that until February 15, 2006, the department may pay for the drug
3 in an emergency to ensure that a medical assistance recipient who is also a
4 medicare beneficiary may continue to receive appropriate medications after
5 implementation of the Medicare Prescription Drug, Improvement, and
6 Modernization Act of 2003 [Pub. L. 108-173; 117 Stat. 2066; 42 U.S.C. 1396kk-1].
7 The department may seek a deficiency appropriation if necessary to cover the cost
8 of payment for drugs provided under this subsection.

9 **SECTION 2. REPORT TO LEGISLATIVE COUNCIL.** During the 2005-06 interim, the
10 department of human services shall report to the legislative council regarding the department's
11 progress in developing and implementing the plan provided for in section 1 of this Act.

12 **SECTION 3. APPROPRIATION.** There is appropriated out of any moneys in the
13 general fund in the state treasury, not otherwise appropriated, the sum of \$50,000, or so much
14 of the sum as may be necessary to the department of human services for the purpose of
15 supplementing other appropriations provided for the medical assistance program to defray the
16 expenses associated with developing and implementing the plan described in section 1 of this
17 Act for the biennium beginning July 1, 2005, and ending June 30, 2007.

18 **SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure.