

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 seek a deficiency appropriation if necessary to cover the cost of  
14 payment for prescription drugs provided under this section. The department may not pay for:

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

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

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 beginning with the effective date of this Act and ending June 30, 2007.

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