

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

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**HOUSE BILL 1231**

Short Title: Medicaid Waiver/Expand P Drug Coverage. (Public)

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Sponsors: Representative Luebke.

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Referred to: Appropriations.

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April 22, 2003

A BILL TO BE ENTITLED

1 AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN  
2 SERVICES TO APPLY FOR A MEDICAID WAIVER TO PROVIDE  
3 PRESCRIPTION DRUG COVERAGE FOR ELDERLY AND DISABLED  
4 PERSONS NOT OTHERWISE ELIGIBLE FOR MEDICAID, AND TO  
5 AUTHORIZE EXPENDITURE OF FUNDS FROM THE HEALTH AND  
6 WELLNESS TRUST FUND AND THE GENERAL FUND TO FUND THE  
7 WAIVER.  
8

9 The General Assembly of North Carolina enacts:

10 **SECTION 1.** The Department of Health and Human Services shall apply to  
11 the Centers for Medicare and Medicaid Services (CMS) for a Medicaid waiver to  
12 provide prescription drug coverage for elderly and disabled persons:

- 13 (1) Who are over age 65 or disabled;  
14 (2) Who are not eligible for Medicaid;  
15 (3) Who do not have coverage for prescription drugs under public or  
16 private health insurance; and  
17 (4) Whose family income is between one hundred percent (100%) and two  
18 hundred percent (200%) of the federal poverty level.

19 The waiver may limit the amount of the prescription drug benefit to not less  
20 than one thousand five hundred dollars (\$1,500) annually per person covered. The  
21 waiver may also provide for co-payments by the covered person of not more than five  
22 dollars (\$5.00) per person per prescription for generic drugs, and not more than fifteen  
23 dollars (\$15.00) per person per prescription for brand-name drugs. If the waiver is  
24 approved by the Centers for Medicare and Medicaid Services, then the Department shall  
25 implement the waiver using funds authorized in Section 2 of this act.

26 **SECTION 2.** Notwithstanding G.S. 147-86.30, the Health and Wellness  
27 Trust Fund Commission shall allocate a portion of the funds allocated for its  
28 prescription drug program to fund the State match for the waiver approved by CMS as  
29 described in Section 1 of this act. If funds allocated by the Commission for its

1 prescription drug program are insufficient to fund both the full amount of the State  
2 match for the waiver and other purposes for which the Commission's prescription drug  
3 program funds are allocated, then the Department of Health and Human Services,  
4 Division of Medical Assistance, shall use funds available in the Medical Assistance  
5 program budget to provide the balance necessary for the State match to fund the waiver  
6 obtained pursuant to Section 1 of this act.

7 **SECTION 3.** This act becomes effective July 1, 2003.