

IC 16-41-19.5

Chapter 19.5. Prevention and Treatment Programs: Post-Organ Transplant Program

IC 16-41-19.5-1

"Post-organ transplant program" defined

Sec. 1. As used in this chapter, "post-organ transplant program" refers to a program established by the state department to pay recipients eligible under this chapter for costs of immunosuppressive drugs prescribed exclusively for the maintenance of individuals who undergo the transplant of an internal organ, including a heart, lung, liver, or kidney, if the costs of the drugs are not reimbursed from other sources.

As added by P.L.27-1999, SEC.2.

IC 16-41-19.5-2

Establishment

Sec. 2. The state department shall establish a post-organ transplant program.

As added by P.L.27-1999, SEC.2.

IC 16-41-19.5-3

Eligibility

Sec. 3. An individual who meets the following requirements is eligible for the post-organ transplant program:

- (1) The individual has submitted a properly completed application on a form supplied by the state department.
- (2) The individual has a household income that is not more than two hundred fifty percent (250%) of the federal poverty level as determined by the federal Office of Management and Budget.
- (3) The individual is a resident of Indiana and has resided in Indiana for twelve (12) months before submitting the application. An individual is not excluded from the program for receiving an organ transplant outside Indiana.
- (4) The individual meets any other eligibility standards adopted by the state department.

As added by P.L.27-1999, SEC.2.

IC 16-41-19.5-4

Amount paid by state department to applicants

Sec. 4. (a) The state department shall determine the maximum amount the state department will pay each eligible post-organ transplant program applicant based on the following criteria:

- (1) Available money.
- (2) Covered immunosuppressive drugs.
- (3) The terms of any contract between the state department and the patient's health care provider.
- (4) The reimbursement rate for a post-organ transplant drug may not be greater than the Medicaid reimbursement rate for the drug, minus a copayment by the recipient.

(b) The state health commissioner may restrict or categorize payments for post-organ transplant drugs to meet budgetary limitations.

As added by P.L.27-1999, SEC.2.

IC 16-41-19.5-5

Reimbursement of recipients by state department

Sec. 5. (a) Except as provided in subsection (b), the state department may not reimburse an eligible recipient under the post-organ transplant program for drug costs that are reimbursed or eligible for reimbursement by a governmental entity or other third party, including Medicaid, Medicare, the Veterans Administration, a health insurance company, or a health maintenance organization.

(b) The state health commissioner may waive the requirements of subsection (a) on a case by case basis if the commissioner determines that enforcement of subsection (a) will deny services to a class of post-organ transplant patients because of conflicting state or federal law.

(c) The state department shall adopt rules under IC 4-22-2 to ensure that all required benefit payments for post-organ transplant drugs under subsection (a) are properly paid.

As added by P.L.27-1999, SEC.2.

IC 16-41-19.5-6

Duties of state department

Sec. 6. The state department shall:

- (1) maintain an immunosuppressive drug formulary that includes the drugs that are eligible for reimbursement under the post-organ transplant program;
- (2) establish an internal review procedure for updating the formulary that includes procedures for adding and deleting drugs from the formulary; and
- (3) review the formulary at least quarterly each year.

As added by P.L.27-1999, SEC.2.

IC 16-41-19.5-7

Post-organ transplant program fund

Sec. 7. (a) The post-organ transplant program fund is established for the purpose of providing payment of immunosuppressive drugs to eligible organ transplant recipients under this chapter. The fund shall be administered by the state department.

(b) The expenses of administering the fund shall be paid from money in the fund.

(c) The treasurer of state shall invest money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(d) Money in the fund consists of appropriations, gifts, grants, and donations from public or private sources. Money in the fund at the end of a state fiscal year does not revert to the state general fund.

As added by P.L.27-1999, SEC.2.

IC 16-41-19.5-8

Rules

Sec. 8. The state department may adopt rules under IC 4-22-2 that are necessary to implement this chapter.

As added by P.L.27-1999, SEC.2.