
HOUSE BILL 2021

State of Washington

64th Legislature

2015 Regular Session

By Representatives Riccelli, Parker, Cody, Holy, Ormsby, and Muri

Read first time 02/06/15. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to the prescription drug assistance foundation;
2 and amending RCW 41.05.550.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 41.05.550 and 2008 c 87 s 1 are each amended to read
5 as follows:

6 (1) The definitions in this subsection apply throughout this
7 section unless the context clearly requires otherwise.

8 (a) "Federal poverty level" means the official poverty level
9 based on family size established and adjusted under section 673(2) of
10 the omnibus budget reconciliation act of 1981 (P.L. 97-35; 42 U.S.C.
11 Sec. 9902(2), as amended).

12 (b) "Foundation" means the prescription drug assistance
13 foundation established in this section, a nonprofit corporation
14 organized under the laws of this state to provide assistance in
15 accessing prescription drugs to qualified uninsured individuals.

16 (c) "Health insurance coverage including prescription drugs"
17 means prescription drug coverage under a private insurance plan,
18 including a plan offered through the health benefit exchange under
19 chapter 43.71 RCW, the medicaid program, the state children's health
20 insurance program ("SCHIP"), the medicare program, the basic health

1 plan, or any employer-sponsored health plan that includes a
2 prescription drug benefit.

3 (d) "Qualified uninsured individual" means an uninsured person or
4 an underinsured person who is a resident of this state and has an
5 income below three hundred percent of the federal poverty level.

6 (e) "Underinsured" means an individual who has health insurance
7 coverage including prescription drugs, but for whom the prescription
8 drug coverage is inadequate for their needs.

9 (f) "Uninsured" means an individual who lacks health insurance
10 coverage including prescription drugs.

11 (2)(a) The administrator shall establish the foundation as a
12 nonprofit corporation, organized under the laws of this state. The
13 foundation shall assist qualified uninsured individuals in obtaining
14 prescription drugs at little or no cost.

15 (b) The foundation shall be administered in a manner that:

16 (i) Begins providing assistance to qualified uninsured
17 individuals by January 1, 2006;

18 (ii) Defines the population that may receive assistance in
19 accordance with this section; and

20 (iii) Complies with the eligibility requirements necessary to
21 obtain and maintain tax-exempt status under federal law.

22 (c) The board of directors of the foundation consists of up to
23 eleven with a minimum of five members appointed by the governor to
24 staggered terms of three years. The governor shall select as members
25 of the board individuals who (i) will represent the interests of
26 persons who lack prescription drug coverage; and (ii) have
27 demonstrated expertise in business management and in the
28 administration of a not-for-profit organization.

29 (d) The foundation shall apply for and comply with all federal
30 requirements necessary to obtain and maintain tax-exempt status with
31 respect to the federal tax obligations of the foundation's donors.

32 (e) The foundation is authorized, subject to the direction and
33 ratification of the board, to receive, solicit, contract for,
34 collect, and hold in trust for the purposes of this section,
35 donations, gifts, grants, and bequests in the form of money paid or
36 promised, services, materials, equipment, or other things tangible or
37 intangible that may be useful for helping the foundation to achieve
38 its purpose. The foundation may use all sources of public and private
39 financing to support foundation activities. No general fund-state
40 funds shall be used for the ongoing operation of the foundation.

1 (f) No liability on the part of, and no cause of action of any
2 nature, shall arise against any member of the board of directors of
3 the foundation or against an employee or agent of the foundation for
4 any lawful action taken by them in the performance of their
5 administrative powers and duties under this section.

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