

CHAPTER 167B
SENIOR GOLD PRESCRIPTION
PROGRAM MANUAL

Authority

N.J.S.A. 30:4D-43 et seq., particularly 30:4D-50; and Reorganization Plan No. 001-1996.

Source and Effective Date

R.2007 d.134, effective April 5, 2007.
 See: 38 N.J.R. 5295(a), 39 N.J.R. 1711(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 167B, Senior Gold Prescription Program Manual, expires on October 2, 2014. See: 46 N.J.R. 739(a).

Chapter Historical Note

Chapter 83D, Senior Gold Prescription Program Manual, was adopted as emergency new rules by R.2001 d.201, effective May 18, 2001. See: 33 N.J.R. 1948(a). Chapter 83D, Senior Gold Prescription Program Manual, expired on July 17, 2001.

Chapter 83D, Senior Gold Prescription Program Manual, was adopted as new rules by R.2001 d.428, effective November 19, 2001. See: 33 N.J.R. 1948(a), 33 N.J.R. 3934(a).

Chapter 83D, Senior Gold Prescription Program Manual, was readopted as R.2007 d.134, effective April 5, 2007. See: Source and Effective Date. See, also, section annotations.

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 83D, Senior Gold Prescription Program Manual, was scheduled to expire on April 5, 2014. See: 43 N.J.R. 1203(a).

Chapter 83D of Title 8, Senior Gold Prescription Program Manual, was recodified as Chapter 167B of Title 10 by administrative change, effective June 16, 2014. As a part of the recodification, administrative changes were made throughout concerning cross-references, agency names and addresses, and the elimination of text rendered redundant or moot by the transfer of authority. See: 46 N.J.R. 1643(a).

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SUBCHAPTER 1. INTRODUCTION

10:167B-1.1 Purpose and intent

(a) It is intended that the Senior Gold Prescription Discount Program shall extend assistance to certain persons whose level of income disqualifies them for benefits and medical assistance under the New Jersey Medical Assistance and Health Services Act and for prescription benefits under the Pharmaceutical Assistance to the Aged and Disabled (PAAD) Act, but who have significant needs for more affordable prescribed drugs.

(b) This manual has been developed as a statement of policy and procedures and addresses eligibility for the Senior Gold Prescription Discount Program.

10:167B-1.2 Legal authority

These rules are promulgated under the authority of the Senior Gold Prescription Discount Act, P.L. 2001, c.96.

SUBCHAPTER 2. DEFINITIONS

10:167B-2.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

“Annual income” means all income from whatever source derived, actually received or anticipated.

“Anticipated income” means the amounts of income the applicant can reasonably be expected to receive during the calendar year.

“Applicant” means an individual who applies for Senior Gold Prescription Benefits either personally or through an authorized agent.

“Authorized agent” means a person who initiates the Senior Gold Benefits application for a person who is incompetent or incapable of filing the Senior Gold Benefits application on his or her behalf.

“Authorized representative” means a person with legal authority to act on behalf of an individual in making decisions related to the individual’s enrollment in, disenrollment from, and access to negotiated prices under the Medicare Prescription Drug Program.

“Beneficiary” means an individual who has been found eligible for Senior Gold Prescription benefits.

“Business income” means net income derived from a business, trade or profession or from the rental of property after deductions of the ordinary and necessary expenses attributable to the business, trade, profession, or to the rental or property which are allowed under the Federal Internal Revenue Code and regulations issued thereunder.

“Calendar year” means a year beginning January 1 and ending on December 31. It is the base period utilized to determine annual income and Senior Gold benefits eligibility.

“Centers for Medicare and Medicaid Services” or “CMS” means the agency of the Federal Department of Health and Human Services that is responsible for the administration of the Medicare program in the United States.

“Commissioner” means the Commissioner of the Department of Human Services.

“Current year” means the calendar year in which a person applies or reapplies for Senior Gold benefits.

“Department” means the Department of Human Services.

“Expiration date” means the date when a beneficiary’s Senior Gold benefits eligibility ends.

“Legend drug” means any approved drug product which by Federal law cannot be dispensed without a prescription and

bears the statement of the label: “Caution: Federal law prohibits dispensing without a prescription,” or the symbol “RX.”

“Medicare-approved prescription drug discount card program” means a prescription drug discount card program as to which the sponsor thereof has received Medicare approval and has entered into a contract with CMS.

“Medicare Prescription Drug Program” means the program established under the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, Pub. L. 108-173, 117 Stat. 2066, approved December 8, 2003.

“Pharmaceutical assistance” means the payments authorized by the Department to a participating pharmacy on behalf of a Senior Gold beneficiary.

“Pharmacy” means any pharmacy located in New Jersey, operating under a valid permit from the Board of Pharmacy of the State of New Jersey, which has filed an application and agreement of participation which has been approved by the New Jersey Medicaid Program.

“Prescription drug(s)” means all approved legend drugs, including any interchangeable drug products contained in the latest list approved and published pursuant to N.J.A.C. 8:71 and in conformance with the provisions of the “Prescription Drug Price and Quality Stabilization Act,” and insulin, insulin syringes, insulin needles and certain diabetic testing materials when prescribed.

1. The term “legend prescription drugs” includes:

i. Any drug product which by Federal law cannot be dispensed unless ordered by a licensed prescriber;

ii. Every product considered to be a legend prescription drug which is required by the Federal Food, Drug and Cosmetic Act to have the following statement on the manufacturer’s original packaging label: “Caution: Federal law prohibits dispensing without a prescription,” or the symbol “RX”;

iii. Insulin, insulin syringes and insulin needles. While not legend drugs, these items are covered by this program when prescribed;

iv. Diabetic testing materials, including blood glucose reagent strips which can be visually read, urine monitoring strips, tapes and tablets and bloodletting devices and lancets (electronic monitoring devices are not included); and

v. Syringes and needles for injectable medicines for the treatment of multiple sclerosis.

2. The term “prescription drugs” excludes cosmetic drugs as indicated at N.J.A.C. 10:167A-1.13 unless deemed to be medically necessary by a licensed prescriber.