§ 248. Cost-sharing responsibilities of eligible program participants for catastrophic coverage. 1. Deductible. Eligible individuals meeting the deductible requirements of this section may purchase prescribed covered drugs for an amount specified by subdivision three of this section, subject to the limits on point of sale co-payments specified by subdivision four of this section.

2. Deductible schedule. Eligible individuals electing to meet the requirements of this subdivision shall incur an amount of personal covered drug expenditures during any annual coverage period which are not reimbursed by any other public or private third party payment source or insurance plan, and shall be deemed to have met their deductible requirements for the remainder of such annual coverage period. The amount of personal covered drug expenditures to be incurred by eligible program participants for catastrophic coverage under this option shall be in accordance with the following schedule:

(a) Annual personal covered drug expenditures for unmarried individual eligible program participants:

individual income of $20,001 to $21,000	$530
individual income of $21,001 to $22,000	$550
individual income of $22,001 to $23,000	$580
individual income of $23,001 to $24,000	$720
individual income of $24,001 to $25,000	$750
individual income of $25,001 to $26,000	$780
individual income of $26,001 to $27,000	$810
individual income of $27,001 to $28,000	$840
individual income of $28,001 to $29,000	$870
individual income of $29,001 to $30,000	$900
individual income of $30,001 to $31,000	$930
individual income of $31,001 to $32,000	$960
individual income of $32,001 to $33,000	$1,160
individual income of $33,001 to $34,000	$1,190
individual income of $34,001 to $35,000	$1,230
individual income of $35,001 to $36,000	$1,260
individual income of $36,001 to $37,000	$1,290
individual income of $37,001 to $38,000	$1,320
individual income of $38,001 to $39,000	$1,350

individual income of $39,001 to $40,000	$1,380
individual income of $40,001 to $41,000	$1,410
individual income of $41,001 to $42,000	$1,440
individual income of $42,001 to $43,000	$1,470
individual income of $43,001 to $44,000	$1,500
individual income of $44,001 to $45,000	$1,530
individual income of $45,001 to $46,000	$1,560
individual income of $46,001 to $47,000	$1,590
individual income of $47,001 to $48,000	$1,620
individual income of $48,001 to $49,000	$1,650
individual income of $49,001 to $50,000	$1,680
individual income of $50,001 to $51,000	$1,710
individual income of $51,001 to $52,000	$1,740
individual income of $52,001 to $53,000	$1,770
individual income of $53,001 to $54,000	$1,800
individual income of $54,001 to $55,000	$1,830
individual income of $55,001 to $56,000	$1,860
individual income of $56,001 to $57,000	$1,890
individual income of $57,001 to $58,000	$1,920
individual income of $58,001 to $59,000	$1,950
individual income of $59,001 to $60,000	$1,980
individual income of $60,001 to $61,000	$2,010
individual income of $61,001 to $62,000	$2,040
individual income of $62,001 to $63,000	$2,070
individual income of $63,001 to $64,000	$2,100
individual income of $64,001 to $65,000	$2,130
individual income of $65,001 to $66,000	$2,160
individual income of $66,001 to $67,000	$2,190
individual income of $67,001 to $68,000	$2,220
individual income of $68,001 to $69,000	$2,250
individual income of $69,001 to $70,000	$2,280
individual income of $70,001 to $71,000	$2,310
individual income of $71,001 to $72,000	$2,340
individual income of $72,001 to $73,000	$2,370
individual income of $73,001 to $74,000	$2,400
individual income of $74,001 to $75,000	$2,430

(b) Annual personal covered drug expenditures for each married

individual eligible program participant:	
joint income of $26,001 to $27,000	$650
joint income of $27,001 to $28,000	$675
joint income of $28,001 to $29,000	$700
joint income of $29,001 to $30,000	$725
joint income of $30,001 to $31,000	$900
joint income of $31,001 to $32,000	$930
joint income of $32,001 to $33,000	$960
joint income of $33,001 to $34,000	$990
joint income of $34,001 to $35,000	$1,020
joint income of $35,001 to $36,000	$1,050
joint income of $36,001 to $37,000	$1,080
joint income of $37,001 to $38,000	$1,110
joint income of $38,001 to $39,000	$1,140
joint income of $39,001 to $40,000	$1,170
joint income of $40,001 to $41,000	$1,200
joint income of $41,001 to $42,000	$1,230
joint income of $42,001 to $43,000	$1,260
joint income of $43,001 to $44,000	$1,290
joint income of $44,001 to $45,000	$1,320
joint income of $45,001 to $46,000	$1,575
joint income of $46,001 to $47,000	$1,610
joint income of $47,001 to $48,000	$1,645
joint income of $48,001 to $49,000	$1,680
joint income of $49,001 to $50,000	$1,715
joint income of $50,001 to $51,000	$1,745
joint income of $51,001 to $52,000	$1,775
joint income of $52,001 to $53,000	$1,805
joint income of $53,001 to $54,000	$1,835
joint income of $54,001 to $55,000	$1,865
joint income of $55,001 to $56,000	$1,895
joint income of $56,001 to $57,000	$1,925
joint income of $57,001 to $58,000	$1,955
joint income of $58,001 to $59,000	$1,985
joint income of $59,001 to $60,000	$2,015
joint income of $60,001 to $61,000	$2,045
joint income of $61,001 to $62,000	$2,075

joint income of $62,001 to $63,000	$2,105
joint income of $63,001 to $64,000	$2,135
joint income of $64,001 to $65,000	$2,165
joint income of $65,001 to $66,000	$2,195
joint income of $66,001 to $67,000	$2,225
joint income of $67,001 to $68,000	$2,255
joint income of $68,001 to $69,000	$2,285
joint income of $69,001 to $70,000	$2,315
joint income of $70,001 to $71,000	$2,345
joint income of $71,001 to $72,000	$2,375
joint income of $72,001 to $73,000	$2,405
joint income of $73,001 to $74,000	$2,435
joint income of $74,001 to $75,000	$2,465
joint income of $75,001 to $76,000	$2,495
joint income of $76,001 to $77,000	$2,525
joint income of $77,001 to $78,000	$2,555
joint income of $78,001 to $79,000	$2,585
joint income of $79,001 to $80,000	$2,615
joint income of $80,001 to $81,000	$2,645
joint income of $81,001 to $82,000	$2,675
joint income of $82,001 to $83,000	$2,705
joint income of $83,001 to $84,000	$2,735
joint income of $84,001 to $85,000	$2,765
joint income of $85,001 to $86,000	$2,795
joint income of $86,001 to $87,000	$2,825
joint income of $87,001 to $88,000	$2,855
joint income of $88,001 to $89,000	$2,885
joint income of $89,001 to $90,000	$2,915
joint income of $90,001 to $91,000	$2,945
joint income of $91,001 to $92,000	$2,975
joint income of $92,001 to $93,000	$3,005
joint income of $93,001 to $94,000	$3,035
joint income of $94,001 to $95,000	$3,065
joint income of $95,001 to $96,000	$3,095
joint income of $96,001 to $97,000	$3,125
joint income of $97,001 to $98,000	$3,155
joint income of $98,001 to $99,000	$3,185

joint income of $99,001 to $100,000 $3,215

(c) In the event that the state expenditures per participant electing to meet the deductible requirements of this subdivision, exclusive of expenditures for program administration, in the program year commencing October first, nineteen hundred eighty-eight, and in each program year thereafter, exceed such expenditures in the previous program year by a minimum of ten percent, the annual personal covered drug expenditures set forth in this subdivision may, unless otherwise provided by law, be increased, pro-rata, for the subsequent program year, provided that such increase shall not exceed eight percent of the prior year personal covered drug expenditures as may have been adjusted in accordance with this paragraph.

(d) In the event that the state expenditures per such participant, incurred pursuant to this subdivision, exclusive of expenditures for program administration, in the program year commencing October first, nineteen hundred eighty-eight, and in each program year thereafter, are less than such expenditures in the previous program year by a minimum of ten percent, the annual personal covered drug expenditures set forth in this subdivision may, unless otherwise provided by law, be decreased, pro-rata, for the subsequent program year, provided that such decrease shall not exceed eight percent of the prior year personal covered drug expenditures as may have been adjusted in accordance with this paragraph.

(e) The determination to adjust annual personal covered drug expenditures set forth in this subdivision, shall follow a review of such factors as the relative financial capacity of the state and such eligible program participants to support such adjustments and changes in the consumer price index. The frequency of such adjustments shall not exceed once in any twelve month period and such adjustments shall not become effective for individual program participants prior to the first day of the next annual coverage period for each participant.

3. Point of sale co-payment. (a) Upon satisfaction of the deductible requirements pursuant to subdivision two of this section, an eligible program participant shall pay a point of sale co-payment as set forth in paragraph (b) of this subdivision at the time of each purchase of a covered drug prescribed for such individual. Such co-payment shall not

be waived or reduced in whole or in part, subject to the limits provided by subdivision four of this section.

(b) The point of sale co-payment amounts which are to be charged eligible program participants shall be in accordance with the following schedule:

For each prescription of covered drugs costing $15.00 or less	$3.00
For each prescription of covered drugs costing $15.01 to $35.00	$7.00
For each prescription of covered drugs costing $35.01 to $55.00	$15.00
For each prescription of covered drugs costing $55.01 or more	$20.00

(c) For the purposes of the foregoing schedule of point of sale co-payments, "costing" shall mean the amount of reimbursement which shall be paid by the state to a participating provider pharmacy in accordance with section two hundred fifty of this title plus the point of sale co-payment, calculated as of the date of sale.

4. Annual limits on point of sale co-payments. During each annual coverage period, no point of sale co-payments as set forth in subdivision three of this section shall be required to be made for the remainder of such period by any eligible program participant meeting the personal covered drug expenditure requirements of subdivision two of this section in excess of the limits set forth in the following schedule:

(a) Limits on co-payments by unmarried individual eligible program participants:

individual income of $20,001 to $21,000	no more than $1,050
individual income of $21,001 to $22,000	no more than $1,100
individual income of $22,001 to $23,000	no more than $1,150
individual income of $23,001 to $24,000	no more than $1,200
individual income of $24,001 to $25,000	no more than $1,250
individual income of $25,001 to $26,000	no more than $1,300
individual income of $26,001 to $27,000	no more than $1,350
individual income of $27,001 to $28,000	no more than $1,400
individual income of $28,001 to $29,000	no more than $1,450

individual income of $29,001 to $30,000	no more than $1,500
individual income of $30,001 to $31,000	no more than $1,550
individual income of $31,001 to $32,000	no more than $1,600
individual income of $32,001 to $33,000	no more than $1,650
individual income of $33,001 to $34,000	no more than $1,700
individual income of $34,001 to $75,000	no more than $1,750

(b) Limits on co-payments by each married individual eligible program participant:

joint income of $26,001 to $27,000	no more than $1,080
joint income of $27,001 to $28,000	no more than $1,120
joint income of $28,001 to $29,000	no more than $1,160
joint income of $29,001 to $30,000	no more than $1,200
joint income of $30,001 to $31,000	no more than $1,240
joint income of $31,001 to $32,000	no more than $1,280
joint income of $32,001 to $33,000	no more than $1,320
joint income of $33,001 to $34,000	no more than $1,360
joint income of $34,001 to $35,000	no more than $1,400
joint income of $35,001 to $36,000	no more than $1,440
joint income of $36,001 to $37,000	no more than $1,480
joint income of $37,001 to $38,000	no more than $1,520
joint income of $38,001 to $39,000	no more than $1,560
joint income of $39,001 to $40,000	no more than $1,600
joint income of $40,001 to $41,000	no more than $1,640
joint income of $41,001 to $42,000	no more than $1,680
joint income of $42,001 to $43,000	no more than $1,720
joint income of $43,001 to $44,000	no more than $1,760
joint income of $44,001 to $45,000	no more than $1,800
joint income of $45,001 to $46,000	no more than $1,840
joint income of $46,001 to $47,000	no more than $1,880
joint income of $47,001 to $48,000	no more than $1,920
joint income of $48,001 to $49,000	no more than $1,960
joint income of $49,001 to $100,000	no more than $2,000

(c) Effective October first, nineteen hundred eighty-eight, the limits on point of sale co-payments as set forth in this subdivision may be adjusted by the commissioner on the anniversary date of each program participant's annual coverage period, and such adjustment shall be in effect for the duration of that annual coverage period. Any such annual

adjustment shall be made using a percentage adjustment factor which shall not exceed one-half of the difference between the year-to-year percentage increase in the consumer price index for all urban consumers, as published by the United States department of labor, and, if larger, the year-to-year percentage increase in the aggregate average cost of covered drugs purchased under this title, which year-to-year percentage increase in such cost shall be determined by comparison of such cost in the same month of each of the appropriate successive years; provided, however, that for any such adjustment based wholly on experience in the program year commencing October first, nineteen hundred eighty-seven, the year-to-year percentage increase in such cost shall be determined by comparison of such cost in each of two months no less than five months apart and within such program year, which comparison shall be annualized. Such percentage adjustment factor shall be the same as that used to determine any similar annual adjustment for the same annual coverage periods pursuant to the provisions of subdivision four of section two hundred forty-seven of this title. Such annual adjustments shall be calculated by multiplying the percentage adjustment factor by (1) ten percent and applying the resulting percentage to the upper income limitation of each income level for unmarried individuals contained in this subdivision, and by (2) seven and one-half percent and applying the resulting percentage to the upper income limitation of each income level for married individuals contained in this subdivision; each result of such calculations, minus any applicable deductible increases made pursuant to subdivision two of this section and plus the result of applying the percentage adjustment factor to the sum of any such annual adjustments applicable thereto for any prior annual coverage period, shall be the amount by which the limit on co-payments for each such income level may be adjusted, and such amount shall be in addition to any such amount or amounts applicable to prior annual coverage periods.

(d) The determination to adjust the limits on point of sale co-payments set forth in this subdivision shall follow a review of such factors as the relative financial capacity of the state and such eligible program participant to support such adjustments.