

January 2006

BISTATE AND MULTISTATE AGREEMENTS - OTHER STATES

At the August 25, 2005, meeting of the Budget Committee on Government Services, the committee requested information regarding other states that form bistrate authorities. A search conducted by the National Conference of State Legislatures regarding states that have either bistrate or multistate agreements found there are three states with such agreements--New York, South Carolina, and West Virginia.

NEW YORK

In New York the Governor is to approve each health systems agency with a defined geographical boundary, which shall consist of areas entirely within New York state, except in the areas where a **bistrate planning agreement** exists. Such an agreement, subject to the regulations promulgated by the commissioner of health, shall include but need not be limited to the following provisions:

- Standards for equitable representation of **board membership from each state**;
- Boundaries that are consistent with medical trade patterns;
- Provisions for financial support from each state; and
- Comparable policies and procedures to be implemented by the bistrate health systems agency in evaluating the availability and need for hospital or other health care facilities or services and governing the collection of data and statistics for health planning.

Any such bistrate agreement shall be signed by the Governor of each state or their designee or the state's commissioner or secretary of health or their designee. The Governor shall also adopt standards for the approval of all health systems agencies. The standards shall also include the applicable requirements of any other state or federal law. The charter or bylaws of every health systems agency must meet such standards and failure to meet the standards or failure thereafter to maintain such standards shall result in the automatic withdrawal of the approval given to the health systems agency.

SOUTH CAROLINA

The South Carolina Lottery Commission may enter into a multistate agreement for the sale of instant game tickets, online game tickets, and related multistate lottery products, including game shows and promotional products. Procedures for ticket sales and validation, prize redemption, and other details of the commission's participation in the multistate lottery games must be governed by the terms of the agreement entered into by the commission. The multistate tickets and products may be sold only through a licensed lottery retailer or through the commission.

WEST VIRGINIA

The West Virginia Pharmaceutical Cost Management Council has the power and authority to, among other things, review and determine that the implementation of programs will not jeopardize, reduce, or penalize the benefits of veterans or other recipients of federal supply schedule drug prices, considering their respective copay structures, and the pricing mechanisms of their respective programs; commence negotiations to obtain independent agreements or multistate agreements with as many as 10 states to use or reference a pricing schedule; and determine the ability to establish a savings of 42 percent of the retail cost to be reported to the Joint Committee on Government and Finance and the Legislative Oversight Commission on Health and Human Resources Accountability.