

1267

2011-2012 Regular Sessions

I N S E N A T E

January 6, 2011

Introduced by Sens. ADDABBO, LITTLE -- read twice and ordered printed,
and when printed to be committed to the Committee on Aging

AN ACT to amend the elder law and the social services law, in relation
to dispensing fees paid to pharmacies in EPIC and Medicaid

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY,
DO ENACT AS FOLLOWS:

1 Section 1. Paragraph (c) of subdivision 1 of section 250 of the elder
2 law is amended to read as follows:
3 (c) DISPENSING FEE. As required by paragraphs (a) and (b) of this
4 subdivision, a dispensing fee of [four] SEVEN dollars [fifty] AND TWEN-
5 TY-FIVE cents [will apply to generic drugs and a dispensing fee of three
6 dollars fifty cents will apply to brand name drugs] PER PRESCRIPTION
7 SHALL APPLY, PROVIDED, HOWEVER, THAT FOR PRESCRIPTION DRUGS DISPENSED
8 FOR PATIENTS IN LONG TERM CARE FACILITIES, INTERMEDIATE CARE FACILITIES
9 FOR THE DEVELOPMENTALLY DISABLED, ASSISTED LIVING PROGRAMS, AND ANY
10 OTHER RESIDENTIAL CARE FACILITIES IN WHICH PRESCRIPTIONS ARE DISPENSED
11 IN UNIT-OF-USE PACKAGING, A DISPENSING FEE OF EIGHT DOLLARS PER
12 PRESCRIPTION SHALL APPLY.
13 S 2. Subparagraphs (i) and (ii) of paragraph (d) of subdivision 9 of
14 section 367-a of the social services law, subparagraph (i) as amended by
15 chapter 19 of the laws of 1998 and subparagraph (ii) as amended by
16 section 48 of part C of chapter 58 of the laws of 2009, are amended and
17 a new subparagraph (iii) is added to read as follows:
18 (i) for prescription drugs categorized as generic by the prescription
19 drug pricing service used by the department, [four] SEVEN dollars and
20 [fifty] TWENTY-FIVE cents per prescription; and
21 (ii) for prescription drugs categorized as brand-name prescription
22 drugs by the prescription drug pricing service used by the department,
23 [three] SEVEN dollars and [fifty] TWENTY-FIVE cents per prescription,
24 provided, however, that for brand name prescription drugs reimbursed
25 pursuant to subparagraph (ii) of paragraph (a-1) of subdivision four of

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 section three hundred sixty-five-a of this title, the dispensing fee
2 shall be [four] EIGHT dollars and [fifty] TWENTY-FIVE cents per
3 prescription[.]; AND
4 (III) FOR PRESCRIPTION DRUGS CATEGORIZED AS BRAND OR GENERIC BY THE
5 PRESCRIPTION DRUG PRICING SERVICE USED BY THE DEPARTMENT AND DISPENSED
6 FOR PATIENTS IN LONG TERM CARE FACILITIES, INTERMEDIATE CARE FACILITIES
7 FOR THE DEVELOPMENTALLY DISABLED, ASSISTED LIVING PROGRAMS, AND ANY
8 OTHER RESIDENTIAL CARE FACILITIES IN WHICH PRESCRIPTIONS ARE DISPENSED
9 IN UNIT-OF-USE PACKAGING, EIGHT DOLLARS PER PRESCRIPTION.
10 S 3. This act shall take effect April 1, 2012, provided, however, that
11 the amendments to subdivision 9 of section 367-a of the social services
12 law made by section two of this act shall not affect the repeal of such
13 subdivision and shall be deemed to be repealed therewith.