

1267--A

2011-2012 Regular Sessions

I N S E N A T E

January 6, 2011

Introduced by Sens. ADDABBO, ESPAILLAT, LITTLE -- read twice and ordered printed, and when printed to be committed to the Committee on Aging -- recommitted to the Committee on Aging in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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, as amended by section 3-m of part A of chapter 59 of the laws of
3 2011, is amended to read as follows:
4 (c) As required by paragraphs (a) and (b) of this subdivision, a
5 dispensing fee of [four] SEVEN dollars [fifty] AND TWENTY-FIVE cents
6 [will apply to generic drugs and a dispensing fee of three dollars fifty
7 cents will apply to brand name drugs] PER PRESCRIPTION SHALL APPLY,
8 PROVIDED, HOWEVER, THAT FOR PRESCRIPTION DRUGS DISPENSED FOR PATIENTS IN
9 LONG TERM CARE FACILITIES, INTERMEDIATE CARE FACILITIES FOR THE DEVELOP-
10 MENTALLY DISABLED, ASSISTED LIVING PROGRAMS, AND ANY OTHER RESIDENTIAL
11 CARE FACILITIES IN WHICH PRESCRIPTIONS ARE DISPENSED IN UNIT-OF-USE
12 PACKAGING, A DISPENSING FEE OF EIGHT DOLLARS PER PRESCRIPTION SHALL
13 APPLY.
14 S 2. Subparagraphs (i) and (ii) of paragraph (d) of subdivision 9 of
15 section 367-a of the social services law, subparagraph (i) as amended by
16 section 10-a of part H of chapter 59 of the laws of 2011 and subpara-
17 graph (ii) as amended by section 48 of part C of chapter 58 of the laws
18 of 2009, are amended and a new subparagraph (iii) is added to read as
19 follows:
20 (i) for prescription drugs categorized as generic by the prescription
21 drug pricing service used by the department, [three] SEVEN dollars and
22 [fifty] TWENTY-FIVE cents per prescription; and

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

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1 (ii) for prescription drugs categorized as brand-name prescription
2 drugs by the prescription drug pricing service used by the department,
3 [three] SEVEN dollars and [fifty] TWENTY-FIVE cents per prescription,
4 provided, however, that for brand name prescription drugs reimbursed
5 pursuant to subparagraph (ii) of paragraph (a-1) of subdivision four of
6 section three hundred sixty-five-a of this title, the dispensing fee
7 shall be [four] EIGHT dollars and [fifty] TWENTY-FIVE cents per
8 prescription[.]; AND
9 (III) FOR PRESCRIPTION DRUGS CATEGORIZED AS BRAND OR GENERIC BY THE
10 PRESCRIPTION DRUG PRICING SERVICE USED BY THE DEPARTMENT AND DISPENSED
11 FOR PATIENTS IN LONG TERM CARE FACILITIES, INTERMEDIATE CARE FACILITIES
12 FOR THE DEVELOPMENTALLY DISABLED, ASSISTED LIVING PROGRAMS, AND ANY
13 OTHER RESIDENTIAL CARE FACILITIES IN WHICH PRESCRIPTIONS ARE DISPENSED
14 IN UNIT-OF-USE PACKAGING, EIGHT DOLLARS PER PRESCRIPTION.
15 S 3. This act shall take effect April 1, 2013, provided, however, that
16 the amendments to subdivision 9 of section 367-a of the social services
17 law made by section two of this act shall not affect the repeal of such
18 subdivision and shall be deemed to be repealed therewith.