

3963

2013-2014 Regular Sessions

I N   S E N A T E

March 1, 2013

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Introduced by Sen. ADDABBO -- 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, as amended by section 18 of part T of chapter 56 of the laws of  
3     2012, 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  
23    (ii) for prescription drugs categorized as brand-name prescription  
24    drugs by the prescription drug pricing service used by the department,  
25    [three] SEVEN dollars and [fifty] TWENTY-FIVE cents per prescription,

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

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1 provided, however, that for brand name prescription drugs reimbursed  
2 pursuant to subparagraph (ii) of paragraph (a-1) of subdivision four of  
3 section three hundred sixty-five-a of this title, the dispensing fee  
4 shall be [four] EIGHT dollars and [fifty] TWENTY-FIVE cents per  
5 prescription[.]; AND  
6 (III) FOR PRESCRIPTION DRUGS CATEGORIZED AS BRAND OR GENERIC BY THE  
7 PRESCRIPTION DRUG PRICING SERVICE USED BY THE DEPARTMENT AND 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, EIGHT DOLLARS PER PRESCRIPTION.  
12 S 3. This act shall take effect April 1, 2013, provided, however, that  
13 the amendments to subdivision 9 of section 367-a of the social services  
14 law made by section two of this act shall not affect the expiration of  
15 such subdivision and shall be deemed to be expired therewith.