STATE OF NEW YORK

10842--A

IN ASSEMBLY

April 6, 2026

Introduced by M. of A. WIEDER, YEGER -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT directing the department of health to establish an alternative payment methodology (APM) for federally qualified health centers to preserve and improve patient access to fertility care

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Under the authority of state plan amendment #17-0058, as amended by state plan amendment #23-0050, the department of health shall establish an alternative payment methodology (APM) for federally qualified health centers to preserve and improve patient access to fertility care. Any payments made under the APM shall be in addition to any payments made under the prospective payment system (PPS) or any other alternative payment methodology for federally qualified health centers. The APM shall provide for payments, in an amount not to exceed seven hundred thousand dollars state share annually, exclusive of any federal matching funds, to be made by the department of health to federally qualified health centers in an amount equal to the difference between (a) the aggregate amount the federally qualified health center paid to acquire eligible injectable fertility drugs for Medicaid patients under section 340B of the federal public health services act between January 1, 2024 and December 31, 2024 and (b) the aggregate amount the federally qualified health center would have paid to acquire those drugs based on average wholesale acquisition cost for such drugs during the same period. For purposes of this section, eligible injectable fertility drugs shall be limited to gonadotropin, GNRH antagonists, and GNRH agonists; provided however that nothing contained herein shall require coverage for additional drugs or in-vitro fertilization other than those listed here.

§ 2. This act shall take effect immediately.

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

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