

S T A T E O F N E W Y O R K

1118--A

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. DESTITO, GOTTFRIED, DINOWITZ, ENGLEBRIGHT, PHEFFER, MCENENY, V. LOPEZ, COLTON, CYMBROWITZ, GLICK, GALEF, CHRISTENSEN, JAFFEE, KOON, BENEDETTO, REILLY, GUNTHER, MILLMAN, BURLING, STIRPE, GABRYSZAK, LUPARDO, SCHROEDER, MAISEL, SPANO, N. RIVERA, FIELDS -- Multi-Sponsored by -- M. of A. ABBATE, ALFANO, BRADLEY, BRENNAN, COOK, DELMONTE, EDDINGTON, FARRELL, HEASTIE, JOHN, MARKEY, SAYWARD, SWEENEY -- read once and referred to the Committee on Health -- 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 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:

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

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1 (i) for prescription drugs categorized as generic by the prescription
2 drug pricing service used by the department, [four] SEVEN dollars and
3 [fifty] TWENTY-FIVE cents per prescription; and
4 (ii) for prescription drugs categorized as brand-name prescription
5 drugs by the prescription drug pricing service used by the department,
6 [three] SEVEN dollars and [fifty] TWENTY-FIVE cents per prescription,
7 provided, however, that for brand name prescription drugs reimbursed
8 pursuant to subparagraph (ii) of paragraph (a-1) of subdivision four of
9 section three hundred sixty-five-a of this title, the dispensing fee
10 shall be [four] EIGHT dollars and [fifty] TWENTY-FIVE cents per
11 prescription[.]; AND
12 (III) FOR PRESCRIPTION DRUGS CATEGORIZED AS BRAND OR GENERIC BY THE
13 PRESCRIPTION DRUG PRICING SERVICE USED BY THE DEPARTMENT AND DISPENSED
14 FOR PATIENTS IN LONG TERM CARE FACILITIES, INTERMEDIATE CARE FACILITIES
15 FOR THE DEVELOPMENTALLY DISABLED, ASSISTED LIVING PROGRAMS, AND ANY
16 OTHER RESIDENTIAL CARE FACILITIES IN WHICH PRESCRIPTIONS ARE DISPENSED
17 IN UNIT-OF-USE PACKAGING, EIGHT DOLLARS PER PRESCRIPTION.
18 S 3. This act shall take effect April 1, 2010, provided, however, that
19 the amendments to subdivision 9 of section 367-a of the social services
20 law made by section two of this act shall not affect the repeal of such
21 subdivision and shall be deemed to be repealed therewith; and provided
22 further, that if section 48 of part C of chapter 58 of the laws of 2009
23 shall not have taken effect on such effective date, then the amendments
24 to subparagraph (ii) of paragraph d of subdivision 9 of section 367-a of
25 the social services law made by section 2 of this act shall take effect
26 on the same date and in the same manner as section 48 of part C of chap-
27 ter 58 of the laws of 2009 takes effect.