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

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2009-2010 Regular Sessions

I N A S S E M B L Y

April 17, 2009

Introduced by M. of A. P. RIVERA, POWELL, PERALTA, RAMOS, ESPAILLAT, N. RIVERA, J. RIVERA, DIAZ, V. LOPEZ, ARROYO -- Multi-Sponsored by -- M. of A. ALFANO, BARRA -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to providing that no prior authorization shall be required under the preferred drug program for all medications indicated by the Food and Drug Administration for the treatment of asthma

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

Section 1. Subdivision 12 of section 272 of the public health law, as added by section 10 of part C of chapter 58 of the laws of 2005, is amended to read as follows:

12. No prior authorization shall be required under the preferred drug program for: (a) atypical anti-psychotics; (b) anti-depressants; (c) anti-retrovirals used in the treatment of HIV/AIDS; [and] (d) anti-rejection drugs used for the treatment of organ and tissue transplants; (e) any other therapeutic class for the treatment of mental illness or HIV/AIDS, recommended by the committee and approved by the commissioner under this section; AND (F) ALL MEDICATIONS INDICATED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION FOR THE TREATMENT OF ASTHMA.

S 2. Paragraphs (b) and (c) of subdivision 3 of section 274 of the public health law, as added by section 10 of part C of chapter 58 of the laws of 2005, are amended and a new paragraph (d) is added to read as follows:

(b) the potential for, or a history of, overuse, abuse, drug diversion or illegal utilization; [and]

(c) the potential for, or a history of, utilization inconsistent with approved indications. Where the commissioner finds that a drug meets at least one of these criteria, in determining whether to make the drug subject to prior authorization under the clinical drug review program,

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

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the commissioner shall consider whether similarly effective alternatives are available for the same disease state and the effect of that availability or lack of availability[.]; AND

(D) THAT NO PRIOR AUTHORIZATION SHALL BE REQUIRED FOR ALL MEDICATIONS INDICATED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION FOR THE TREATMENT OF ASTHMA.

S 3. This act shall take effect immediately, except that the amendments to article 2-A of the public health law, made by sections one and two of this act, shall not affect the repeal of such article and shall be deemed repealed therewith.