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

May 13, 2009

Introduced by M. of A. ROSENTHAL, J. RIVERA, GLICK, PERRY, ARROYO, BENJAMIN -- Multi-Sponsored by -- M. of A. ALFANO, JACOBS, P. RIVERA -- read once and referred to the Committee on Health

AN ACT to amend the social services law and the state administrative procedure act, in relation to additions to the list of medicaid reimbursable nonprescription drugs

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

Section 1. Paragraph (a) of subdivision 4 of section 365-a of the social services law, as amended by chapter 77 of the laws of 1977, is amended to read as follows:

(a) drugs which may be dispensed without a prescription as required by section sixty-eight hundred ten of the education law; provided, however, that the state commissioner of health may by regulation specify certain of such drugs which may be reimbursed as an item of medical assistance in accordance with the price schedule established by such commissioner. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ADDITIONS TO THE LIST OF DRUGS REIMBURSABLE UNDER THIS PARAGRAPH MAY BE FILED AS REGULATIONS BY THE COMMISSIONER OF HEALTH WITHOUT PRIOR NOTICE AND COMMENT;

S 2. Paragraph (b) of subdivision 2 of section 102 of the state administrative procedure act is amended by adding a new subparagraph (xiv) to read as follows:

(XIV) ANY REGULATION COMPRISED SOLELY OF ONE OR MORE ADDITIONS TO THE LIST OF NONPRESCRIPTION DRUGS REIMBURSABLE UNDER THE MEDICAID PROGRAM PURSUANT TO PARAGRAPH (A) OF SUBDIVISION FOUR OF SECTION THREE HUNDRED SIXTY-FIVE-A OF THE SOCIAL SERVICES LAW.

S 3. This act shall take effect on the thirtieth day after it shall have become a law.

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