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

8826

2009-2010 Regular Sessions

I N A S S E M B L Y

June 10, 2009

Introduced by M. of A. SCHIMMINGER, GOTTFRIED -- read once and referred to the Committee on Health

AN ACT to amend the social services law, in relation to the specialty pharmacy program

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

Section 1. Paragraph (g) of subdivision 9 of section 367-a of the social services law, as added by section 5 of part C of chapter 58 of the laws of 2008, is amended to read as follows:

(g) Notwithstanding any other provision of this subdivision to the contrary, the department is authorized to implement a specialty pharmacy program for the purpose of procuring certain specialty drugs at reduced cost. The department is authorized to enter into contracts with one or more contractors in order to obtain certain specialty drugs from a limited number of sources at reduced prices. For purposes of this paragraph, specialty drugs include, but are not limited to, chemotherapy agents, hydration therapy agents, pain therapy agents, intravenous administration of antibiotics or other drugs, and total parenteral nutrition. All contracts entered into by the department to effectuate the provisions of this section shall require the contractors to take steps to assure that drugs provided pursuant to such contracts will be readily accessible to consumers in a fashion that is no more restrictive than that which was in effect prior to the implementation of the specialty pharmacy program. This paragraph shall be effective only to the extent that federal financial participation is available in the cost of drugs obtained pursuant to this paragraph. The commissioner of health is authorized to submit amendments to the state plan for medical assistance and to submit applications for waivers under the social security act to obtain the federal approvals necessary to implement this paragraph. HOWEVER, ANY PHARMACY OWNED AND OPERATED BY A NOT-FOR-PROFIT ORGANIZATION SOLELY FOR THE PURPOSE OF PROVIDING DRUGS TO INDIVIDUALS

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

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DIAGNOSED WITH CYSTIC FIBROSIS AS PART OF A COMPREHENSIVE CLINICAL CARE PROGRAM APPROVED BY THE NATIONAL ORGANIZATION THAT ACCREDITS CYSTIC FIBROSIS CARE CENTERS AND MAINTAINS A NATIONAL REGISTRY OF CYSTIC FIBROSIS CLINICAL DATA SHALL BE EXEMPT FROM THE SPECIALTY PHARMACY PROGRAM.

S 2. This act shall take effect immediately.