

3901

2009-2010 Regular Sessions

I N S E N A T E

April 3, 2009

Introduced by Sen. ADDABBO -- read twice and ordered printed, and when printed to be committed to the Committee on Aging

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, as amended by chapter 19 of
15 the laws of 1998, are amended and a new subparagraph (iii) is added to
16 read as follows:
17 (i) for prescription drugs categorized as generic by the prescription
18 drug pricing service used by the department, [four] SEVEN dollars and
19 [fifty] TWENTY-FIVE cents per prescription; and
20 (ii) for prescription drugs categorized as brand-name prescription
21 drug by the prescription drug pricing service used by the department,
22 [three] SEVEN dollars and [fifty] TWENTY-FIVE cents per prescription[.];
23 AND
24 (III) FOR PRESCRIPTION DRUGS CATEGORIZED AS BRAND OR GENERIC BY THE
25 PRESCRIPTION DRUG PRICING SERVICE USED BY THE DEPARTMENT AND DISPENSED

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

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1 FOR PATIENTS IN LONG TERM CARE FACILITIES, INTERMEDIATE CARE FACILITIES
2 FOR THE DEVELOPMENTALLY DISABLED, ASSISTED LIVING PROGRAMS, AND ANY
3 OTHER RESIDENTIAL CARE FACILITIES IN WHICH PRESCRIPTIONS ARE DISPENSED
4 IN UNIT-OF-USE PACKAGING, EIGHT DOLLARS PER PRESCRIPTION.

5 S 3. This act shall take effect July 1, 2009, provided, however, that
6 the amendments to subdivision 9 of section 367-a of the social services
7 law made by section two of this act shall not affect the repeal of such
8 subdivision and shall be deemed to be repealed therewith.