

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

3901--A

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 -- reported favorably from said committee and committed to the Committee on Finance -- 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:
18 (i) for prescription drugs categorized as generic by the prescription
19 drug pricing service used by the department, [four] SEVEN dollars and
20 [fifty] TWENTY-FIVE cents per prescription; and
21 (ii) for prescription drugs categorized as brand-name prescription
22 drugs by the prescription drug pricing service used by the department,

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

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16 subdivision and shall be deemed to be repealed therewith; and provided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