

5872

2009-2010 Regular Sessions

I N S E N A T E

June 15, 2009

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

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:

1 Section 1. Paragraph (g) of subdivision 9 of section 367-a of the
2 social services law, as added by section 5 of part C of chapter 58 of
3 the laws of 2008, is amended to read as follows:
4 (g) Notwithstanding any other provision of this subdivision to the
5 contrary, the department is authorized to implement a specialty pharmacy
6 program for the purpose of procuring certain specialty drugs at reduced
7 cost. The department is authorized to enter into contracts with one or
8 more contractors in order to obtain certain specialty drugs from a
9 limited number of sources at reduced prices. For purposes of this para-
10 graph, specialty drugs include, but are not limited to, chemotherapy
11 agents, hydration therapy agents, pain therapy agents, intravenous
12 administration of antibiotics or other drugs, and total parenteral
13 nutrition. All contracts entered into by the department to effectuate
14 the provisions of this section shall require the contractors to take
15 steps to assure that drugs provided pursuant to such contracts will be
16 readily accessible to consumers in a fashion that is no more restrictive
17 than that which was in effect prior to the implementation of the
18 specialty pharmacy program. This paragraph shall be effective only to
19 the extent that federal financial participation is available in the cost
20 of drugs obtained pursuant to this paragraph. The commissioner of health
21 is authorized to submit amendments to the state plan for medical assist-
22 ance and to submit applications for waivers under the social security
23 act to obtain the federal approvals necessary to implement this para-
24 graph. HOWEVER, ANY PHARMACY OWNED AND OPERATED BY A NOT-FOR-PROFIT
25 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.

LBD14220-01-9

1 DIAGNOSED WITH CYSTIC FIBROSIS AS PART OF A COMPREHENSIVE CLINICAL CARE
2 PROGRAM APPROVED BY THE NATIONAL ORGANIZATION THAT ACCREDITS CYSTIC
3 FIBROSIS CARE CENTERS AND MAINTAINS A NATIONAL REGISTRY OF CYSTIC FIBRO-
4 SIS CLINICAL DATA SHALL BE EXEMPT FROM THE SPECIALTY PHARMACY PROGRAM.
5 S 2. This act shall take effect immediately.