

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

1118--B

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. DESTITO, GOTTFRIED, DINOWITZ, ENGLEBRIGHT, PHEFFER, MCENENY, V. LOPEZ, COLTON, CYMBROWITZ, GLICK, GALEF, CHRISTENSEN, JAFFEE, KOON, BENEDETTO, REILLY, GUNTHER, MILLMAN, BURLING, STIRPE, GABRYSZAK, LUPARDO, SCHROEDER, MAISEL, SPANO, N. RIVERA, FIELDS, PERRY -- Multi-Sponsored by -- M. of A. ABBATE, ALFANO, BRENNAN, COOK, DELMONTE, FARRELL, HEASTIE, JOHN, MARKEY, SAYWARD, SWEENEY -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Health in accordance with Assembly Rule 3, sec. 2 -- 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

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

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1 section 48 of part C of chapter 58 of the laws of 2009, are amended and
2 a new subparagraph (iii) is added to read as follows:
3 (i) for prescription drugs categorized as generic by the prescription
4 drug pricing service used by the department, [four] SEVEN dollars and
5 [fifty] TWENTY-FIVE cents per prescription; and
6 (ii) for prescription drugs categorized as brand-name prescription
7 drugs by the prescription drug pricing service used by the department,
8 [three] SEVEN dollars and [fifty] TWENTY-FIVE cents per prescription,
9 provided, however, that for brand name prescription drugs reimbursed
10 pursuant to subparagraph (ii) of paragraph (a-1) of subdivision four of
11 section three hundred sixty-five-a of this title, the dispensing fee
12 shall be [four] EIGHT dollars and [fifty] TWENTY-FIVE cents per
13 prescription[.]; AND
14 (III) FOR PRESCRIPTION DRUGS CATEGORIZED AS BRAND OR GENERIC BY THE
15 PRESCRIPTION DRUG PRICING SERVICE USED BY THE DEPARTMENT AND DISPENSED
16 FOR PATIENTS IN LONG TERM CARE FACILITIES, INTERMEDIATE CARE FACILITIES
17 FOR THE DEVELOPMENTALLY DISABLED, ASSISTED LIVING PROGRAMS, AND ANY
18 OTHER RESIDENTIAL CARE FACILITIES IN WHICH PRESCRIPTIONS ARE DISPENSED
19 IN UNIT-OF-USE PACKAGING, EIGHT DOLLARS PER PRESCRIPTION.
20 S 3. This act shall take effect April 1, 2011, provided, however, that
21 the amendments to subdivision 9 of section 367-a of the social services
22 law made by section two of this act shall not affect the repeal of such
23 subdivision and shall be deemed to be repealed therewith.