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

5038

2011-2012 Regular Sessions

I N  A S S E M B L Y

February 10, 2011

Introduced by M. of A. GOTTFRIED, HOYT, KELLNER -- Multi-Sponsored by -- M. of A. JAFFEE, SWEENEY -- read once and referred to the Committee on Health

AN ACT to amend the social service law, in relation to certain medical assistance for needy persons

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

Section 1. Subparagraph (i) of paragraph (a-1) of subdivision 4 of section 365-a of the social services law, as amended by section 46 of part C of chapter 58 of the laws of 2009, is amended to read as follows:

(i) a brand name drug for which a multi-source therapeutically and generically equivalent drug, as determined by the federal food and drug administration, is available, unless previously authorized by the department of health. The commissioner of health is authorized to exempt, for good cause shown, any brand name drug from the restrictions imposed by this subparagraph. FURTHERMORE, THE COMMISSIONER OF HEALTH IS AUTHORIZED TO REVIEW AN APPLICATION FOR AN EXEMPTION OF A BRAND NAME DRUG FROM THE RESTRICTIONS OF THIS SUBPARAGRAPH, PROVIDED THAT SUCH APPLICATION IS SUBMITTED WITHIN A PERIOD OF TWELVE MONTHS PRIOR TO THE EXPIRATION OF THE PATENT OF SAID BRAND NAME DRUG. This subparagraph shall not apply to any drug that is in a therapeutic class included on the preferred drug list under section two hundred seventy-two of the public health law or is in the clinical drug review program under section two hundred seventy-four of the public health law;

S 2. This act shall take effect immediately, provided however, that the amendment to subparagraph (i) of paragraph (a-1) of subdivision 4 of section 365-a of the social services law made by section one of this act shall not affect the expiration of such paragraph and shall be deemed to expire therewith.

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

LBD02513-01-1