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

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I N A S S E M B L Y

March 5, 2013

Introduced by M. of A. GOTTFRIED, CYMBROWITZ, DINOWITZ, GUNTHER, LAVINE, PAULIN, ROSENTHAL, STEVENSON, TITONE, BENEDETTO, COLTON, DUPREY, GALEF, JAFFEE, KELLNER, V. LOPEZ, MAISEL, McDONALD, MONTESANO, OTIS, SCARBOROUGH, SIMANOWITZ, STECK, WEISENBERG, MILLER -- Multi-Sponsored by -- M. of A. ABBATE, GLICK, HIKIND, LENTOL, P. LOPEZ, MAGEE, McDONOUGH, RIVERA, SWEENEY, THIELE, ZEBROWSKI -- read once and referred to the Committee on Health

AN ACT to amend the social services law, in relation to access to specialty drugs in medicaid managed care

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

Section 1. Paragraph (u) of subdivision 4 of section 364-j of the social services law, as amended by section 40 of part D of chapter 56 of the laws of 2012, is amended to read as follows:

(u) A managed care provider that provides coverage for prescription drugs shall permit each participant to fill any [mail order] covered prescription, at his or her option, at any [mail order pharmacy or non-mail-order retail] pharmacy in the managed care provider network. HOWEVER, IF THE MANAGED CARE PROVIDER HAS DESIGNATED ONE OR MORE PHARMACIES FOR FILLING PRESCRIPTIONS FOR A PARTICULAR DRUG OR DRUGS, THEN SUCH PRESCRIPTIONS MAY BE FILLED, AT THE PARTICIPANT'S OPTION, AT ANY OTHER PHARMACY IN THE NETWORK, if the [non-mail-order retail] OTHER pharmacy offers to accept a price that is comparable to that of the [mail order] DESIGNATED pharmacy OR PHARMACIES. Every [non-mail-order retail] pharmacy in the managed care provider's network with respect to any prescription drug shall be deemed to be in the managed care provider's network for every covered prescription drug[; provided, however, that the managed care provider may limit its network of pharmacies for specified drugs, approved by the commissioner, based on clinical, professional or cost criteria. Such limitation shall not be based solely on cost].

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

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S 2. This act shall take effect immediately; provided that the amendments to paragraph (u) of subdivision 4 of section 364-j of the social services law made by section one of this act shall not affect the expiration and repeal of such section and shall expire and be deemed repealed therewith.