

1832

2015-2016 Regular Sessions

I N A S S E M B L Y

January 13, 2015

Introduced by M. of A. GUNTHER, PEOPLES-STOKES, ROBINSON, PERRY, LAVINE, TITONE, MOYA, JAFFEE, COLTON, DenDEKKER -- Multi-Sponsored by -- M. of A. COOK, DUPREY, FARRELL, GLICK, HOOPER, RIVERA, ROSENTHAL, SCARBOROUGH, SCHIMEL, TITUS -- read once and referred to the Committee on Health

AN ACT to amend the social services law, in relation to establishing a prohibition on prior approval or preferred drug list requirements for certain drugs used to treat AIDS, HIV infection or hepatitis C

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

1 Section 1. The opening paragraph of subdivision 2 of section 365-a of
2 the social services law, as amended by section 6 of part D of chapter 56
3 of the laws of 2013, is amended and a new subdivision 10 is added to
4 read as follows:
5 "Standard coverage" shall mean payment of part or all of the cost of
6 medically necessary medical, dental and remedial care, services and
7 supplies, as authorized in this title or the regulations of the depart-
8 ment, which are necessary to prevent, diagnose, correct or cure condi-
9 tions in the person that cause acute suffering, endanger life, result in
10 illness or infirmity, interfere with such person's capacity for normal
11 activity, or threaten some significant handicap and which are furnished
12 an eligible person in accordance with this title and the regulations of
13 the department. Such care, services and supplies shall include the
14 following medical care, services and supplies, together with such
15 medical care, services and supplies provided for in subdivisions three,
16 four and five of this section, and such medical care, services and
17 supplies as are authorized in the regulations of the department;
18 NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW, SUBJECT TO THE
19 PROVISIONS OF SUBDIVISION TEN OF THIS SECTION:
20 10. (A) UNLESS REQUIRED BY FEDERAL LAW AND REGULATION AS A CONDITION
21 OF QUALIFYING FOR FEDERAL FINANCIAL PARTICIPATION IN THE MEDICAID

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

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PROGRAM, THE DEPARTMENT OTHERWISE NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW, SHALL NOT RESTRICT BY PRIOR AUTHORIZATION OR PREFERRED DRUG LIST PROGRAM REQUIREMENT ANY PRESCRIPTION DRUG, INCLUDED IN CERTAIN THERAPEUTIC DRUG CLASSES, AS PRESCRIBED AND DETERMINED BY A PRESCRIBING PRACTITIONER LICENSED BY THE STATE, TO BE MEDICALLY NECESSARY FOR THE TREATMENT AND PREVENTION OF AIDS, HIV INFECTION, AND HEPATITIS C.

(B) THERAPEUTIC CLASSES CONTAINING PRESCRIPTION DRUGS WHICH SHALL BE EXCLUDED FROM ANY PRIOR AUTHORIZATION OR PREFERRED DRUG LIST PROGRAM REQUIREMENT PROVISIONS SHALL INCLUDE THE FOLLOWING:

(1) ANTI-RETROVIRAL MEDICATIONS, INCLUDING BUT NOT LIMITED TO PROTEASE INHIBITORS, NON-NUCLEOSIDE REVERSE TRANSCRIPTASE INHIBITORS, NUCLEOSIDE REVERSE TRANSCRIPTASE INHIBITORS, ANTI-VIRALS, AND FUSION INHIBITORS PRESCRIBED FOR THE TREATMENT OF AIDS OR HIV INFECTION.

(2) IMMUNOMODULATORS AND HEPATITIS C-SPECIFIC ANTIVIRAL DRUGS PRESCRIBED FOR THE TREATMENT OF HEPATITIS C.

S 2. Severability. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid and after exhaustion of all further judicial review, the judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this act directly involved in the controversy in which the judgment shall have been rendered.

S 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law; provided that the state commissioner of health is authorized to promulgate any and all rules and regulations and take any other measures necessary to implement this act on its effective date on or before such date.