

4893

2015-2016 Regular Sessions

I N   S E N A T E

April 23, 2015

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

AN ACT to amend the social services law, in relation to prescriber determination prevailing in medicaid managed care and to repeal certain provisions of such law relating thereto

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

1     Section 1. Subdivision 25 of section 364-j of the social services law,  
2     as added by section 55 of part D of chapter 56 of the laws of 2012, is  
3     amended to read as follows:  
4     25. [Effective January first, two thousand thirteen, notwithstanding]  
5     NOTWITHSTANDING any provision of law to the contrary, managed care  
6     providers shall cover medically necessary prescription drugs in the  
7     ANTI-DEPRESSANT, ANTI-RETROVIRAL, ANTI-REJECTION, SEIZURE, EPILEPSY,  
8     ENDOCRINE, HEMATOLOGIC, IMMUNOLOGIC AND atypical antipsychotic therapeutic [class] CLASSES, including non-formulary drugs[, upon demonstration  
9     by]. IF the prescriber, after consulting with the managed care provider,  
10    DETERMINES that such drugs, in the prescriber's reasonable professional  
11    judgment, are medically necessary and warranted, THE PRESCRIBER'S DETER-  
12    mination SHALL BE FINAL.  
13    MINATION SHALL BE FINAL.  
14    S 2. Subdivision 25-a of section 364-j of the social services law is  
15    REPEALED.  
16    S 3. This act shall take effect on the sixtieth day after it shall  
17    have become a law; provided that effective immediately, the commissioner  
18    of health may make regulations and take other actions necessary to  
19    implement this act on that date, and provided, further, that the amend-  
20    ments to section 364-j of the social services law made by this act shall  
21    not affect the repeal of such section and shall be deemed repealed ther-  
22   ewith.

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

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