

7762

I N S E N A T E

May 12, 2016

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 public health law, in relation to directing the department of health to make bi-annual assessments of non-preferred drugs for recipients of medical assistance and to submit an annual report to the legislature thereon

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

1 Section 1. Section 272 of the public health law is amended by adding a
2 new subdivision 15 to read as follows:
3 15.(A) IN MEDICAID FEE-FOR-SERVICE, THE DEPARTMENT SHALL MAKE BI-ANNU-
4 AL ASSESSMENTS OF NON-PREFERRED DRUGS IN THE BEST CLINICAL INTERESTS OF
5 NEW YORK MEDICAID BENEFICIARIES. SUCH DEPARTMENT SHALL INCLUDE, AT THE
6 MANUFACTURER'S OPTION, A NON-PREFERRED DRUG AS A PREFERRED DRUG WHEN AT
7 LEAST THIRTY-FIVE PERCENT OF PRESCRIPTIONS FILLED IN THAT DRUG'S CLASS
8 IN THE PREVIOUS TWO QUARTERS WERE FOR A NON-PREFERRED DRUG ON THE
9 PREFERRED DRUG LIST, PROVIDED THAT THE MANUFACTURER OF SUCH PREVIOUSLY
10 NON-PREFERRED DRUG AGREES TO THE REBATE REQUIRED UNDER SECTION 1927 OF
11 THE SOCIAL SECURITY ACT AND AN ADDITIONAL SUPPLEMENTAL REBATE. THE
12 DEPARTMENT AND THE MANUFACTURER MAY NEGOTIATE THE ALTERNATIVE SUPPLE-
13 MENTAL REBATE. THE PREVIOUSLY NON-PREFERRED DRUG SHALL NOT BE DISADVAN-
14 TAGED, INCLUDING BUT NOT LIMITED TO IMPOSING PRIOR AUTHORIZATION OR
15 UTILIZATION MANAGEMENT REQUIREMENTS, RELATIVE TO THE OTHER PREFERRED
16 DRUGS IN ITS CLASS OTHER THAN WHAT IS REQUIRED BY THE FDA-APPROVED
17 LABEL.
18 (B) THE DEPARTMENT SHALL PROVIDE AN ANNUAL REPORT TO THE LEGISLATURE
19 THAT OUTLINES, WITH RESPECT TO ANY DRUG CLASS ON THE PREFERRED DRUG LIST
20 IN WHICH ONLY A SINGLE THERAPEUTIC PATHWAY, WHICH MAY INVOLVE ONE OR
21 MORE DRUGS PRESCRIBED IN COMBINATION FOR THE SAME PATIENT, IS PREFERRED,
22 THE FINANCIAL IMPACT OF THE STATE'S PREFERRED DRUG LIST DECISION, THE
23 CLINICAL EVIDENCE THE STATE RELIED ON IN ESTABLISHING PREFERENCES FOR
24 THE CLASS, AND THE CLINICAL CRITERIA THAT PERMIT BENEFICIARIES TO ACCESS
25 NON-PREFERRED DRUGS IN SUCH A CLASS.
26 S 2. This act shall take effect immediately.

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

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