

7208

2015-2016 Regular Sessions

I N A S S E M B L Y

April 28, 2015

Introduced by M. of A. GOTTFRIED -- read once and referred 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 ASSEM-  
BLY, 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 therapeu-  
9 tic [class] CLASSES, including non-formulary drugs[, upon demonstration  
10 by]. IF the prescriber, after consulting with the managed care provider,  
11 DETERMINES that such drugs, in the prescriber's reasonable professional  
12 judgment, are medically necessary and warranted, THE PRESCRIBER'S DETER-  
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15 REPEALED.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21 not affect the repeal of such section and shall be deemed repealed ther-  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.

LBD09267-02-5