STATE OF NEW YORK

1794--A

2019-2020 Regular Sessions

IN SENATE

January 16, 2019

Introduced by Sen. RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law, in relation to coverage for certain prescription drugs; 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:

Section 1. Subdivision 25 of section 364-j of the social services law, as added by section 55 of part D of chapter 56 of the laws of 2012, is amended to read as follows:

25. [~~Effective January first, two thousand thirteen, notwithstanding~~] **Notwithstanding** any provision of law to the contrary, managed care providers shall cover medically necessary prescription drugs in the **anti-depressant, anti-retroviral, antirejection, seizure, epilepsy, endocrine, hematologic, immunologic and** atypical antipsychotic therapeutic [~~class~~] **classes**, including non-formulary drugs, upon [~~demonstration~~] **determination** by **the prescriber under this subdivision. If** the prescriber, after consulting with the managed care provider, **determines** that such drugs, in the prescriber's reasonable professional judgment, are medically necessary and warranted**, the prescriber's determination shall be final. However, the prescriber's determination shall not be final: (a) where the drug approved by the managed care provider is a generic drug subject to subparagraph (i) of paragraph (a-1) of subdivision four of section three hundred sixty-five-a of this title (mandatory generic substitution), and even if the prescriber has indicated that the prescription shall be dispensed as written; or (b) if it is for the use of a drug that is not consistent with food and drug administration-approved labeling or supported by one or more official Compendia references, including, but not limited to, the American Hospital Formulary**

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

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Service (AHFS), the DRUGDEX Drug Information System and the United States Pharmacopeia.

§ 2. Subdivision 25-a of section 364-j of the social services law is REPEALED.

§ 3. This act shall take effect on the sixtieth day after it shall have become a law; provided that effective immediately, the commissioner of health may make regulations and take other actions necessary to implement this act on that date; and provided, further, that the amendments to section 364-j of the social services law made by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith.