

# STATE OF NEW YORK

2799--A

2019-2020 Regular Sessions

## IN ASSEMBLY

January 25, 2019

Introduced by M. of A. GOTTFRIED, RODRIGUEZ -- read once and referred to the Committee on Health -- reported and referred to the Committee on Ways and Means -- 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.

LBD03448-04-9

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

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4 REPEALED.

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11 repealed therewith.