

STATE OF NEW YORK

187

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. GOTTFRIED, ABINANTI, PHEFFER AMATO, SOLAGES, STECK, SEAWRIGHT, ASHBY, BYRNE, BUTTENSCHON, M. MILLER -- Multi-Sponsored by -- M. of A. HEVESI -- read once and referred to the Committee on Health

AN ACT to amend the social services law, in relation to synchronization of multiple prescriptions

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 9 of section 367-a of the social services law
2 is amended by adding a new paragraph (i) to read as follows:

3 (i)(i) The department of health shall establish a program for synchro-
4 nization of medications when it is agreed among the recipient, a provid-
5 er and a pharmacist that synchronization of multiple prescriptions for
6 the treatment of a chronic illness is in the best interest of the
7 patient for the management or treatment of a chronic illness provided
8 that the medications:

9 (A) are covered by the department of health pursuant to this title;

10 (B) are used for treatment and management of chronic conditions that
11 are subject to refills;

12 (C) are not a schedule II controlled substance, nor a schedule III
13 controlled substance that contains hydrocodone;

14 (D) meet all prior authorization criteria specific to the medications
15 at the time of the synchronization request;

16 (E) are of a formulation that can be effectively split over required
17 short fill periods to achieve synchronization; and

18 (F) do not have quantity limits or dose optimization criteria or
19 requirements that would be violated in fulfilling synchronization.

20 (ii) The department of health shall not deny coverage for the dispens-
21 ing of a medication by a pharmacy for a partial supply when it is for
22 the purpose of synchronizing the patient's medications. When applicable

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

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1 to permit synchronization, the department of health shall allow a pharmacy to override any denial codes indicating that a prescription is
2 being refilled too soon for the purposes of medication synchronization.

3 (iii) To permit synchronization, the department of health shall apply
4 a prorated daily cost-sharing rate to any medication dispensed by a
5 pharmacy pursuant to this section.

6 (iv) The dispensing fee paid to a pharmacy contracted to provide
7 services pursuant to this section for a partial supply associated with a
8 medication synchronization shall be paid in full and shall not be
9 prorated.

10 (v) The requirement of this paragraph applies only once for each
11 prescription drug subject to medication synchronization except when
12 either of the following occurs:

13 (I) the prescriber changes the dosage or frequency of administration
14 of the prescription drug subject to a medication synchronization; or

15 (II) the prescriber prescribes a different drug.

16 (vi) Nothing in this paragraph shall be deemed to require health care
17 practitioners and pharmacists to synchronize the refilling of multiple
18 prescriptions for a recipient.

19 § 2. Subdivision 4 of section 364-j of the social services law is
20 amended by adding a new paragraph (w) to read as follows:

21 (w)(i) The department of health or a managed care organization
22 contracted to provide services pursuant to this section shall establish
23 a program for synchronization of medications when it is agreed among the
24 recipient, a provider and a pharmacist that synchronization of multiple
25 prescriptions for the treatment of a chronic illness is in the best
26 interest of the patient for the management or treatment of a chronic
27 illness provided that the medications:

28 (A) are covered by Medicaid services or a managed care organization
29 contracted to provide services pursuant to this chapter;

30 (B) are used for treatment and management of chronic conditions that
31 are subject to refills;

32 (C) are not a schedule II controlled substance, nor a schedule III
33 controlled substance that contains hydrocodone;

34 (D) meet all prior authorization criteria specific to the medications
35 at the time of the synchronization request;

36 (E) are of a formulation that can be effectively split over required
37 short fill periods to achieve synchronization; and

38 (F) do not have quantity limits or dose optimization criteria or
39 requirements that would be violated in fulfilling synchronization.

40 (ii) The department of health or a managed care organization
41 contracted to provide services under this section shall not deny cover-
42 age for the dispensing of a medication by a pharmacy for a partial
43 supply when it is for the purpose of synchronizing the patient's medica-
44 tions. When applicable to permit synchronization, the department of
45 health or a managed care organization contracted to provide services
46 under this title shall allow a pharmacy to override any denial codes
47 indicating that a prescription is being refilled too soon for the
48 purposes of medication synchronization.

49 (iii) To permit synchronization, the department of health or a managed
50 care organization contracted to provide services pursuant to this title
51 shall apply a prorated daily cost-sharing rate to any medication
52 dispensed by a pharmacy pursuant to this section.

53 (iv) The dispensing fee paid to a pharmacy contracted to provide
54 services pursuant to this section for a partial supply associated with a
55

1 medication synchronization shall be paid in full and shall not be
2 prorated.

3 (v) The requirement of this paragraph applies only once for each
4 prescription drug subject to medication synchronization except when
5 either of the following occurs:

6 (A) the prescriber changes the dosage or frequency of administration
7 of the prescription drug subject to a medication synchronization; or

8 (B) the prescriber prescribes a different drug.

9 (vi) Nothing in this paragraph shall be deemed to require health care
10 practitioners and pharmacists to synchronize the refilling of multiple
11 prescriptions for a covered individual.

12 § 3. This act shall take effect on the one hundred twentieth day after
13 it shall have become a law. The amendments to subdivision 9 of section
14 367-a of the social services law, made by section one of this act, shall
15 not affect the expiration of that subdivision, and shall expire there-
16 with.

17 The amendments to section 364-j of the social services law, made by
18 section two of this act, shall not affect the repeal of that section,
19 and shall be deemed repealed therewith. Effective immediately, the
20 commissioner of health shall make regulations and take other actions
21 reasonably necessary to implement this act on that date.