

STATE OF NEW YORK

3005--B

2023-2024 Regular Sessions

IN SENATE

January 26, 2023

Introduced by Sen. CLEARE -- read twice and ordered printed, and when printed to be committed to the Committee on Aging -- recommitted to the Committee on Aging in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the elder law, in relation to establishing the expanded pharmaceutical insurance coverage panel

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

1 Section 1. The elder law is amended by adding a new section 242-a to
2 read as follows:

3 § 242-a. Expanded pharmaceutical insurance coverage panel. 1. There
4 is hereby established within the executive department, a panel to be
5 known as the "expanded pharmaceutical insurance coverage panel". For the
6 purposes of this section, the term "the panel" shall mean the expanded
7 pharmaceutical insurance coverage panel.

8 2. The panel shall consist of the commissioners of the departments of
9 education and health, the superintendent of the department of financial
10 services, and the directors of the office for the aging and the division
11 of the budget. Each panel member may designate an officer of their
12 respective department, office, or division to represent and exercise all
13 the powers of such panel member at any meeting of the panel from which
14 such panel member may be absent.

15 3. The director of the office for the aging and the commissioner of
16 health shall serve as co-chairs of the panel.

17 4. The panel shall meet at such times as may be requested by the
18 co-chairs, provided that the panel shall meet at least two times a year.

19 5. The panel shall:

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

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1 (a) subject to the approval of the director of the budget, promulgate
2 program regulations pursuant to section two hundred forty-six of this
3 title;

4 (b) determine the annual schedule of cost-sharing responsibilities of
5 eligible program participants pursuant to sections two hundred forty-
6 seven and two hundred forty-eight of this title;

7 (c) enter into contracts pursuant to section two hundred forty-three
8 of this title;

9 (d) recommend and implement alternative program improvements for the
10 efficient and effective operation of the program in accordance with the
11 provisions of this title with the advice of the advisory committee as
12 defined in subdivision seven of this section;

13 (e) develop and implement, in cooperation with area offices for the
14 aging, an outreach program to inform eligible applicants of benefits
15 they may be entitled to pursuant to this title, and to make available
16 information concerning the program for expanded pharmaceutical insurance
17 coverage and benefits to which they may be entitled through a
18 prescription drug coverage program funded by the federal government; and

19 (f) prepare an annual report and submit such report to the governor,
20 the temporary president of the senate, and the speaker of the assembly
21 no later than the first day of January of each year. The panel shall
22 include in such report, at a minimum, annual statistical information
23 regarding the number of persons enrolled in the program by marital
24 status and income level and age, an estimate of the per cent of eligible
25 New York residents that are enrolled, the total number of enrollees that
26 receive an income-related subsidy under section 1860D-14 of the federal
27 social security act, and the number that so qualify through their
28 enrollment in the medicare savings program, the numbers of participating
29 provider pharmacies, recipients and payments by county, a summary of the
30 administrative cost containment initiatives completed during the year,
31 projections of program costs for the following two years, and an evalu-
32 ation of the performance of the program contractor or contractors and of
33 the cost effectiveness of all outreach efforts.

34 6. The panel members shall receive no compensation for their services
35 as panel members.

36 7. There shall be an advisory committee to the panel comprised of
37 twelve persons. Four members shall be appointed by the governor, three
38 members shall be appointed by the temporary president of the senate, one
39 member shall be appointed by the minority leader of the senate, three
40 members shall be appointed by the speaker of the assembly and one member
41 shall be appointed by the minority leader of the assembly. The commit-
42 tee members shall be representatives of consumers, pharmacists, pharma-
43 ceutical drug manufacturers and pharmaceutical wholesalers. No less than
44 sixty percent of the committee membership shall represent consumers.
45 Committee members shall receive no compensation for their services but
46 shall be allowed their actual and necessary expenses incurred in the
47 performance of their duties.

48 § 2. This act shall take effect immediately.