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:

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

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

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

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

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

5. The panel shall:

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

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

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

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

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

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

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

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

7. There shall be an advisory committee to the panel comprised of twelve persons. Four members shall be appointed by the governor, three members shall be appointed by the temporary president of the senate, one member shall be appointed by the minority leader of the senate, three members shall be appointed by the speaker of the assembly and one member shall be appointed by the minority leader of the assembly. The committee members shall be representatives of consumers, pharmacists, pharmaceutical drug manufacturers and pharmaceutical wholesalers. No less than sixty percent of the committee membership shall represent consumers. Committee members shall receive no compensation for their services but shall be allowed their actual and necessary expenses incurred in the performance of their duties.

§ 2. This act shall take effect immediately.