

# STATE OF NEW YORK

10842

## IN ASSEMBLY

April 6, 2026

Introduced by M. of A. WIEDER, YEGER -- read once and referred to the Committee on Health

AN ACT directing the department of health to establish an alternative payment methodology (APM) for federally qualified health centers to preserve and improve patient access to fertility care

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

1 Section 1. Under the authority of state plan amendment #17-0058, as  
2 amended by state plan amendment #23-0050, the department of health shall  
3 establish an alternative payment methodology (APM) for federally quali-  
4 fied health centers to preserve and improve patient access to fertility  
5 care. Any payments made under the APM shall be in addition to any  
6 payments made under the prospective payment system (PPS) or any other  
7 alternative payment methodology for federally qualified health centers.  
8 The APM shall provide for payments to be made by the department of  
9 health to federally qualified health centers in an amount equal to the  
10 difference between (a) the aggregate amount the federally qualified  
11 health center paid to acquire eligible injectable fertility drugs for  
12 Medicaid patients under section 340B of the federal public health  
13 services act between January 1, 2024 and December 31, 2024 and (b) the  
14 aggregate amount the federally qualified health center would have paid  
15 to acquire those drugs based on average wholesale acquisition cost for  
16 such drugs during the same period. For purposes of this section, eligi-  
17 ble injectable fertility drugs shall be limited to gonadotropin, GNRH  
18 antagonists, and GNRH agonists.  
19 § 2. This act shall take effect immediately.

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

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