

STATE OF NEW YORK

7817

2025-2026 Regular Sessions

IN ASSEMBLY

April 11, 2025

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

AN ACT to amend part FFF of chapter 56 of the laws of 2020 relating to directing the department of health to remove the pharmacy benefit from the managed care benefit package and to provide the pharmacy benefit under the fee for service program, in relation to pharmacy benefits where a physician is authorized to dispense certain medications and practices medicine in the oncology setting

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

1 Section 1. Section 1 of part FFF of chapter 56 of the laws of 2020
2 relating to directing the department of health to remove the pharmacy
3 benefit from the managed care benefit package and to provide the pharma-
4 cy benefit under the fee for service program, as amended by section 1 of
5 part C of chapter 57 of the laws of 2021, is amended to read as follows:
6 Section 1. The Legislature hereby finds and declares that medical
7 assistance for needy persons is a matter of public concern and a neces-
8 sity in promoting the public health and welfare and for promoting the
9 state's goal of making available to everyone, regardless of race, age,
10 gender, national origin or economic standing, uniform, high-quality
11 medical care. As the department of health is the single state agency
12 responsible for supervising the administration of the state's medical
13 assistance program (Medicaid), it is tasked with ensuring efficiency,
14 economy, and quality of care in providing benefits to the state's needy
15 persons. To this end and with the fiscal constraints facing our state in
16 mind, the department of health continues to analyze the Medicaid program
17 in search of ways to ensure Medicaid spending is held to the standard of
18 efficiency, economy, and quality of care. In consideration of this stan-
19 dard, the department of health is hereby directed to exercise its exist-
20 ing administrative authority to remove the pharmacy benefit from managed
21 care benefit package and instead provide the pharmacy benefit under the

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

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1 fee for service program, except where otherwise required by federal law
2 or where a physician is authorized to dispense medications in accordance
3 with section 6807 of the education law and practices medicine in the
4 oncology setting, to ensure transparency and that the benefit is
5 provided to the fullest extent and as efficiently as possible; provided,
6 however, that the department of health shall not implement the transi-
7 tion of the pharmacy benefit from the managed care benefit package to
8 the fee for service program sooner than April 1, 2023, and until it is
9 satisfied that all necessary and appropriate transition planning has
10 occurred, in its sole discretion, and federal approvals have been
11 obtained and preparations have been made. Furthermore, to ensure an
12 orderly transition, continued access to medications, and appropriate
13 patient education and support, the department may establish uniform
14 standards, payment policies and reimbursement methodologies for any
15 sites where drugs may be administered or dispensed under the fee for
16 service program; provided that, subject to the availability of federal
17 financial participation, when reimbursing covered entities, as defined
18 under section 340B of the public health service act (42 U.S.C. §256b),
19 for drugs that would otherwise be eligible for pricing under section
20 340B of the public health service act, the department shall examine all
21 reasonably available methods for determining actual acquisition cost and
22 the professional dispensing fee and, beginning in the fiscal year start-
23 ing April 1, 2023, review and adjust reimbursement for such drugs such
24 that no sooner than April 1, 2025, reimbursement shall be determined
25 based on a method that the commissioner determines that utilizes the
26 actual acquisition costs and professional dispensing fee.
27 § 2. This act shall take effect immediately.