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Legislative Report and Update  
PSSNY Board Meeting March 19, 2013

**A. Lobbying to defeat AAC and COD implementation**

Goal is to add a new provision that removes the words “Average Acquisition Cost” from the law and deletes the section giving the Health Commissioner the authority to set a new dispensing fee.

The Senate restored \$41 million to offset DOH projected savings from implementation. The Assembly restored \$37 million to increase dispensing fees.

Budget negotiations are taking place this week and next.

**Interaction with DOH**

- By Dec. 23<sup>rd</sup>, Pharmacy coalition, PSSNY, NCPA, individual chains, Omnicare file responses to DOH regarding Dec. 3 power point presentation.
- January 21<sup>st</sup> Pharmacy coalition issues second letter to DOH requesting specific information regarding surveys (from Dr. Schmee)
- Feb. 5<sup>th</sup> DOH released 27-page response.
- Feb. 11<sup>th</sup> Medicaid Pharmacy Advisory Committee met re DOH AAC and COD presentation. Resolutions passed. Dr. Schmee attended.
- Feb. 20<sup>th</sup> Pharmacy groups met with DOH Feb. 20<sup>th</sup>, power point presentation. Dr. Schmee attended.

**Media**

- Three articles in Crain’s Health Pulse
- Ray interviewed at NYS Capitol with Mike Duteau
- NACDS is running radio ads on radio show from the capitol

**Next steps**

- Release Dr. Schmee’s paper (reviewed by faculty members from NY pharmacy colleges) to legislators and media
- Respond to any questions that come up during negotiations.

**Message**

No confidence in DOH results. Remove authority to implement.

*Verbal recap of recent discussions at the capitol*

## **B. Update on budget proposals**

- 1. Medicaid Reimbursement** - In Executive Budget, no language on pharmacy cuts. Savings of \$41 million (state share) are projected based on implementing AAC and COD results on April 1, 2014.  
Senate position: restore \$41 million. Add new language that removes “AAC” and removes authority of DOH to set new dispensing fees  
Comment: Lobby goal achieved  
Assembly position: Restore \$37 million to increase dispensing fee by 50 cents.  
Calculation: 75 million Rx’s (FFS & Managed care) X .50  
Comment: Restoring \$37 million is a positive development. Aligns both houses against DOH during three-way budget negotiations
- 2. Limited Services Clinics in pharmacies, shopping malls** – In Executive Budget, broadens current law re ‘diagnostic or treatment centers’. Requires approval from Public Health Council. Requires new regulations.  
Senate position: adds new locations -Federally Qualified Health Centers and hospitals  
Assembly position: accepts Executive.
- 3. Prescriber Prevails and other FFS changes** - In Executive Budget, eliminate ‘prescriber prevails’ when there is a generic (anti-psychotics, anti-rejection, anti-depressants, anti-retrovirals and seizure meds); require PA for “too early refill” (6 days remaining); allow DOH to edit for off-label uses, establish new supplemental rebates with PA  
Senate position: change ‘too early’ criteria to 25% remaining; reject others  
Assembly position: restore ‘prescriber prevails’ but allow new rebates
- 4. Allow no-bid contract with Mercer** to set capitated rates for plans  
Senate position: reject every ‘no-bid’ provision in Executive proposal.  
Assembly position: accept no-bid Mercer
- 5. AMMO Reform**  
Senate included “The Senate continues to have concerns regarding the implementation of the current law related to ensuring consumers have the option to access covered medications from a local network participating pharmacy.
- 6. Compounding: Amend Education Law to create “outsourcing facility**  
Assembly added this provision.  
Senate added this provision.  
Initiated by Greater NY Hospital Association so that hospitals can continue to purchase compounded medications they need. Parallels new federal law.  
Allows compounding for office use in facilities registered with FDA and SED.  
PSSNY’s Compounders Academy was consulted and reviewed the language.  
Under direct supervision of NYS licensed pharmacist (in-state and out-of-state)
- 7. Medical marijuana**  
Assembly added the text of A6357-A

### **C. Update on Legislation of special interest**

Ammo Reform A5723-A Heastie/S3995-A Maziarz

MAC Appeals and Transparency: potential sponsors MA Rosenthal in Assembly, Sen Lanza in Senate. Interest in the issue was generated on March 4<sup>th</sup> Lobby Day

Immunizer Expansion and Reform: Met with MA Paulin. Discussed strategy to move the bill through Higher Ed Committee. Chair is concerned about Insurance coverage. S5688 Hannon.

CDTM report is in final review at SED. Should be released next week. Bill introduction will follow, after we see the recommendations in the report.

Requiring NYS license for SP in out of state pharmacies registered with SED  
S5392 LaValle/A7702 Glick

Patient consent before auto-ship – amending Pharmacy Practice Act  
A8612 McDonald

Campaign against tobacco sales in pharmacies: Requesting policy

Medication Synchronization: Amends Insurance Law to require coverage for partial fills  
A8975 Quart/S6763 Lanza