



February 21, 2020

Today, Governor Andrew Cuomo released his thirty-day amendments to his executive budget including changes to a number of sections of the Health and Mental Hygiene Article VII legislation (S.7507/A.9507.) and the addition of three new provisions. Below please find a summary of the substantive changes (other than technical changes) and the new Parts in the Health bill. All amendments can be viewed via the [NYSDOB website](#). Please let us know if you have any questions.

30-Day Budget Amendments to Health/Mental Hygiene Article VII Bill

New Part CC amends the Public Health Law to rename the ‘Physically Handicapped Children’s Program’ to the ‘**Children and Youth with Special Health Care Needs Support Services Program.**’

New Part DD extends to 2025 the OPWDD, OMH, and OCFS services exemption to employ professionals to provide services which may otherwise fall within the scope of practice for **Applied Behavioral Analysis.**

New Part EE amends the Social Services Law, the Public Health Law and the Insurance Law to create a **statewide formulary for Medication Assisted Treatment.** This grants DOH authority through March 31, 2023 to negotiate directly with manufacturers for rebates and adds opioid dependence agents and opioid antagonists to a statewide formulary. The formulary shall include all drugs that are in such classes provided that the cost to the state for such drug is equal to or less than the lowest cost paid for the drug by any managed care plan or by FFS Medicaid after the application of rebates. For drugs in the class not currently on a managed care plan formulary, the department shall obtain the drug at a cost that is equal to or less than the lowest to the department of other drugs in the class, after rebates.

When a drug is not on the formulary, the prescriber would be required to consult with the department/ managed care plan and ensure that the patient’s condition is consistent with criteria for approval, as outlined in the law/proposal. No prior approval is required for a drug that is on the statewide formulary, unless the department’s drug utilization review program requires such.

This new Part EE also it **removes prior authorization for methadone** when used to treat opioid use disorder.

Health Homes restores language related to jurisdiction by DOH over health homes or subcontractors of health homes. (Part BB)

Health Care Reform Act Reauthorization amendments include a restoration of funding for two Graduate Medical Education programs: The Diversity in Medicine and the Empire Clinical Research Investigation Program (ECRIP). (Part A)

Excess Medical Malpractice limits the program allocation to June 30, 2020, subject to discussion under the MRT II. (Part A)

Health Occupation Development & Workplace Demo repeals allocations for labor adjustments made available for health occupation development and workplace demonstration programs. (Part E)

Indigent Care Pool extends to 2023 the Indigent Care Pool's current methodology. (Part F)

Immunizations clarifies immunizations administered by pharmacists to include adult immunizations identified *by the Advisory Committee on Immunization Practices* of the Center for Disease Control. (Part I)

Collaborative Drug Therapy Management remove a provision that would have given PA's prescribing authority under a collaborative drug therapy management agreement and clarifies the term clinical services related to managing drug therapy. (Part I)

Sections one through 13 of Part J relating to managed care reforms have been stricken.

Antimicrobial Resistance clarifies that hospitals and nursing homes must establish and implement a training regarding antimicrobial resistance and infection prevention and control and provide such training to all who are required to complete coursework as required by education law. (Part N)

Local Medicaid Reforms amends the Executive proposal to (Part R):

- Ensure that counties that fail the property tax cap one year but do not in subsequent years receive savings prospectively at a higher base;
- Tie the year to year growth to the Medicaid global cap growth in lieu of a fixed 3%;
- Fixes the base year of growth in FY 2020 so the base year does not annually reset;
- Allows localities that hold costs below 3% to be rewarded with a 25% savings; and
- Clarifies that being over/under the base calculation in a given year does not impact the growth calculation.

Finally, and of note, there is a new Part P added to the **Education Budget Bill (S.7506/ A.9506)** which does the following:

Curing Alzheimer's establishes within the State University of New York the Curing Alzheimer's Health Consortium. (Part P)