



PHARMACISTS SOCIETY OF THE STATE OF NEW YORK

TESTIMONY

**JOINT LEGISLATIVE BUDGET HEARING
HEALTH AND MEDICAID**

January 23, 2024

**Pharmacists Society of the State of New York
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Honorable Finance Chair Senator Krueger, Honorable Ways & Means Chair Assembly Member Weinstein, Senate Health Chair Rivera, Assembly Health Chair Paulin, and distinguished Members of the Legislature:

My name is Leigh McConchie and I currently serve as President of the Pharmacists Society of the State of New York. PSSNY is a 140 year-old statewide organization with regional affiliates that represents the interests of more than 25,000 pharmacists who practice in a variety of settings. Most members practice in community pharmacies. Many are independent owners who regularly travel to Albany to speak with the Legislature about the state of pharmacy, including the opportunities and challenges facing the profession. As you know, pharmacies and pharmacists provide a first line of care in urban and rural settings across the State, and New Yorkers deserve unencumbered access to the pharmacy of their choosing.

First, we want to thank the Legislature for your support over the past several years. You have been responsive to our advocacy in support of independent pharmacy and the New Yorkers that we serve. You passed historic Pharmacy Benefits Manager (PBM) legislation, ensuring that New Yorkers have more transparency and control over their prescription drug benefits. You also worked very hard to help shape a Medicaid pharmacy prescription drug benefit that works for all New Yorkers.

Turning to the analysis of the Governor's current pharmacy-related proposals, PSSNY takes the following positions:

Health / Mental Hygiene Article IIV, Part I – Pharmacy Related Recommendations

- **PSSNY Opposes the proposal to reduce coverage for Over the Counter drugs (“OTCs”).** OTC'S are an important aspect of patient medical treatment, and reductions in coverage would simply result in fewer Medicaid beneficiaries receiving their medication.
 - *PSSNY encourages the Legislature to reject this proposal.*

- **PSSNY opposes the proposed elimination of prescriber prevails.** The Executive proposes to eliminate prescriber prevails, which is a feature of New York's Medicaid program that gives doctors the final say over which medications are dispensed to patients. Prescribers are well aware of the efficacy and availability of generic equivalent medications. However, in some cases, the prescriber may specify a name-brand medication for the treatment of a specific patient or condition. The State should not step in and interrupt that prescriber/patient relationship by overruling the prescriber.
 - *PSSNY encourages the Legislature to reject this proposal.*

- **PSSNY Support’s the Executive’s proposal to** empower the Commissioner of Health to enter into rebate agreements with manufacturers of high-cost drugs. The proposal would give more tools to the Commissioner, which promise to help ensure availability of medications.
 - *PSSNY encourages the Legislature to accept this Executive proposal.*

- **PSSNY is neutral on the proposal to better regulate the cost of physician administered drugs (PAD).**

- **PSSNY opposes the Executive proposal to require pharmacy cost reporting.** As a general proposition, PSSNY *supports* transparency in the Medicaid program. However, the proposal as written is overly broad and vague. The language of the program states that pharmacies will be subject to a cost reporting program that will require pharmacies to submit an annual cost report containing information that, “*shall include, but not be limited to, costs incurred during procurement and dispensing of prescription drugs.*” See HMH page 85, lines 10-15.

In order to be acceptable, the language would have to be amended to provide more guiderails for the program. We look forward to working with the Legislature to develop language that would effectuate the intent of the program, with safeguards to protect pharmacies from agency vagaries and potential overreach.

- *PSSNY encourages the Legislature to reject this proposal.*

Part P – Scope of Practice Extender

- **PSSNY supports the proposal to extend provisions of the Public Health Law and Education Law by permanently authorizing pharmacists to be qualified health care professionals for purposes of directing limited-service laboratories and performing COVID-19 and influenza tests.** Pharmacists across the State demonstrated their ability to safely perform COVID-19 and influenza tests throughout the pandemic. In fact, pharmacies became the preferred location for most New Yorkers to receive COVID-19 tests. As such, it is only fitting that the law be modified to allow for permanent authorization for pharmacists to perform these tests.
 - *We encourage the Legislature to accept this Executive proposal.*

We also urge the Legislature and Executive to go even further, and incorporate S7839 (Rivera) / A8596 (McDonald) into the final budget. This legislation authorizes a pharmacist to initiate treatment for COVID-19, influenza, and pharyngitis resulting from Group A streptococcal infection upon positive test result. The bill also directs the Commissioner to develop a protocol for that addresses patient safety, record keeping,

referral for treatment and continuity of care, and case reporting to other healthcare professionals.

- **PSSNY Supports the proposal to extend the Collaborative Drug Therapy Management (CDTM) Demonstration Program.** CDTM was established in 2011, and it allows pharmacists to work in collaborative agreements with physicians to adjust, manage, evaluate and implement drug therapies for patients in certain settings. This collaborative relationship helps patients better manage their medications, and leads to better adherence to drug protocols.
 - *We encourage the Legislature to accept this Executive proposal.*

Part T – Ending the Epidemic

- **PSSNY supports the proposal to allow pharmacists to dispense HIV Pre-exposure Prophylaxis (PrEP) without a patient specific order.** Under the proposal, pharmacists would be mandated to ensure on at least an annual basis that the patient being prescribed PrEP is HIV negative. PSSNY welcomes the opportunity for pharmacists to help fight against the spread of HIV throughout the State.
 - *We encourage the Legislature to accept this Executive proposal.*
- **PSSNY urges the Legislature to expand the Executive’s proposal by incorporating S3467A (Rivera) / A6627-B (McDonald).** The legislation allows a licensed pharmacist to perform limited-service laboratory and ordering and administering a test for respiratory syncytial virus (RSV), pharyngitis resulting from group A streptococcal infection (commonly referred to as strep throat), HbA1c (blood sugar levels), hepatitis C, and human immunodeficiency virus (HIV).

In the Transportation, Economic Development, and Environmental Conservation Article IIV bill, the Executive proposes to eliminate patient cost-sharing for insulin.

- **PSSNY supports the proposal to eliminate patient cost-sharing for insulin.**

Conclusion

While there are not a lot of pharmacy-related proposals in the Executive budget proposal, there are several that would move the State forward in patient care. Pharmacists remain ready, willing, and able partners with their colleagues in healthcare. While neighborhood pharmacies are critical access points they are also small businesses buckling under PBM predatory, monopolistic practices.

We look forward to meeting with you individually to discuss how we can ensure that New Yorkers receive the healthcare they deserve.

Respectfully Submitted,

Leigh McConchie, RPH
Independent Pharmacy Owner and President of PSSNY