



NEW YORK STATE SENATOR

David Carlucci

## Senator Carlucci Joins Advocates, Doctors to Call for Restoring Prescriber Prevails to New York Medicaid Budget

DAVID CARLUCCI February 22, 2013

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**VALLEY COTTAGE, NY** – Senator David Carlucci (D-Rockland/Westchester) today was joined by a coalition of mental health advocates, physicians and patients that called on Governor Cuomo to reinstate “prescriber prevails” for atypical antipsychotics in the 2013-2014 state budget. The group also urged the Governor and Legislature to restore “prescriber prevails” for all drug classes in the Medicaid budget.

“Prescriber prevails” means the doctor or physician has authority to decide which medicine is best for their patients. A state Medicaid policy shift in October 2011 gave this authority to managed care health plans as opposed to prescribers. For some patients with complex medical conditions, it can take weeks or months – and careful consultation with their physician – to determine the most effective medication regimen. Thus, this new policy has led to confusion, lack of uniformity in coverage, and some cases, denial of critical medications.

**Senator David Carlucci, Chair of the Senate Mental Health and Developmental Disabilities**

**Committee** said: “Taking away the ability for a doctor to prescribe a drug for treatment is a prescription for failure. Prescriber prevails is a necessary provision that ensures that anti-psychotic drugs are readily available and not held hostage to an insurance company health plan. Instead of putting this proposal on the chopping block, I believe we must continue to protect the welfare of all patients who rely upon sound professional advice and medicine that works.”

In 2012, “prescriber prevails” was restored for atypical antipsychotics for mental health patients. This year, Governor Cuomo proposes repealing this vital patient protection in his budget proposal. The governor also proposed removing “prescriber prevails” for all drug classes in Medicaid.

The NYS Medicaid budget office asserts the repeal of atypical antipsychotics will save \$9.38 million, and repealing “prescriber prevails” for all drug classes in Fee for Service will save \$1.8 million in the upcoming fiscal year. Advocates dispute this claim and maintain the cost savings are much less.

In a news conference at the Mental Health Association of Rockland County, participants detailed how this policy change has led, and will continue to lead to disruptions in

medication access, health complications for patients, and increased health care costs.

**Stephanie Madison, President/CEO of Mental Health Association of Rockland County** said:

“Restoration of Prescriber Prevails is crucial to the health and wellness of children and adults affected by mental health issues in New York State. It is imperative that skilled physicians be given the authority to determine appropriate care for their patients, including psychotropic medication regimens that are individualized, closely monitored, and adapted to patient needs. It is only with this structure of care that patients will achieve the recovery they so deserve.”

**Deborah de Jong, Associate Executive Director at the Mental Health Association in Orange County**

said: “Individuals who require antipsychotic medications deserve access, necessary treatment, appropriate professional judgment and medication that works.” Removal of the “Provider Prevails” provision under the State Medicaid Program will further limit access, create health complications and disrupt continuity of care. All individuals deserve equal access to their doctors of choice and the medicines they need.”

**Levi Riddick, Senior Recovery Specialist at Rockland Independent Living Center** said: “The rights of Mental Health consumers are once again under attack. If Prescriber Prevails is eliminated consumers will lose the ability to voice concerns about taking a particular medication with their physician. The right to make decisions regarding treatment should be that of the person being treated not the insurance industry. By not standing up for this basic right for one group we risk losing this right for all.”

**Laurie Lindell, Vice President of Development at US Pain Foundation** said: "Doctors know their patients best---no matter what their medical condition. As a patient and an advocate for those living with chronic pain, I know all too well how delays in care can impact a person physically and emotionally. It is the expectation of the US Pain Foundation that patients'

rights will not be taken away by overriding their doctor's choice for the medicines they need to be healthy. Prescriber prevails must be reinstated by the State of New York."

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