



**TESTIMONY OF JENNIFER HAWKS BLAND, CEO OF NEWYORKBIO
JOINT ASSEMBLY AND SENATE HEALTH BUDGET HEARING**

February 6, 2025

Assembly Ways & Means Chair Pretlow, Senate Finance Chair Krueger, Assembly Health Chair Paulin, Senate Health Chair Rivera, and members of the Joint Health Budget Committee, thank you for this opportunity to submit testimony for your consideration as you review proposals in the Governor's proposed 2025 – 2026 New York State Budget. I would like to express our concerns regarding provisions in part C of the Health and Mental Hygiene proposed executive budget (S.3007/A.3007).

I submit this testimony on behalf of NewYorkBIO, the state's leading life sciences trade organization. NewYorkBIO represents over 250 of New York's bioscience companies, universities, research institutions, patient-focused organizations and others dedicated to advancing life science research and commercialization. The state of New York and the New York City metropolitan region is home to the largest and richest bioscience community in the world: among other assets, the region boasts over 60% of large pharmaceutical national or global headquarters; supports more than 75,000 direct biotechnology jobs; graduates more life science PhDs than any other region in the US; is home to over 25% of the cancer clinical trials in the US; and lays claim to the world's largest concentration of academic medical centers.

NewYorkBIO Opposes the Repeal of "Prescriber Prevails" Patient Protections in Medicaid

A section of the proposed executive budget (Part C) would prevent a prescriber from invoking "Dispense as Written", or prescriber prevails, for prescription medicines in Medicaid fee for service and in seven classes of drugs in managed care. Current law protects patients by allowing a prescriber to seek exceptions to provide a specific brand medicine if that is the best choice to treat a patient's condition. For example, a patient may have an allergy to an inactive, generic ingredient or a specific-medical need (e.g., epilepsy) where a brand medicine must be used instead of the equivalent generic.

These cases are relatively rare, and the existing process requires significant effort by the medical professional to navigate through the prior authorization process. However, it is a critical protection for patients that is built into the system, and so we oppose the budget proposal that would repeal it. Moreover, it is important that New York reflect its commitment to innovation by ensuring that State programs and policies do not unduly limit a patient's ability to receive, in consultation with their doctors, the best therapies and devices for that specific patient.

Conclusion

The State of New York has traditionally prioritized patients and their access to cutting edge therapies. Proposals such as these undermine both patient protections and patient access. It is for these reasons that NewYorkBIO strongly opposes this proposed budget provision. If you have further questions regarding this issue, please contact me at Jennifer.Bland@newyorkbio.org.

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