



**PHARMACISTS SOCIETY OF THE STATE OF NEW YORK**

**TESTIMONY**

**JOINT LEGISLATIVE BUDGET HEARING  
HEALTH AND MEDICAID**

**FEBRUARY 25, 2021**

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Dear Honorable Finance Chair Senator Krueger, Honorable Ways & Means Chair Assembly Member Weinstein, Senator Rivera, Assemblyman Gottfried and distinguished Members:

My Name is Thomas D'Angelo, and I am a licensed pharmacist and co-owner of an independent pharmacy in Franklin Square New York, and a home infusion company located in Garden City South New York. I am the current President for the Pharmacists Society of the State of New York (PSSNY). PSSNY is the preemptive statewide organization representing more than 28,000 licensed pharmacists and thousands of independent pharmacies throughout the state. These pharmacies are the healthcare life blood of the communities they serve and are considered family by their patients.

On behalf of PSSNY and the pharmacists we represent: Thank You to both the Senate and Assembly for all of the support for PSSNY initiatives over the years. However, despite historic support from the Legislature, it has taken a global pandemic for pharmacists to be officially recognized as critical partners in keeping our communities healthy. While doctors' offices closed their doors and hospitals became overwhelmed, pharmacies remained open to provide critical prescription medication, as well as over the counter medications, medical supplies, and personal protective equipment. We also took great personal risk and became frontline COVID-19 testing locations across the State. Many pharmacists contracted COVID-19, and we even lost a few colleagues over the past year. And despite that, when the COVID-19 vaccine became available, pharmacists accepted the challenge once again. To date, we have vaccinated thousands of New Yorkers across the State. We stepped up when the State and our communities needed us. For the past 15 years, PSSNY has been calling on the Legislature to enact enhanced

scope of practice legislation. As the Legislature debates the merits of COVID-19 Executive Orders, we must point out that certain orders were only necessary because the Legislature has not acted to expand the scope of practice of pharmacy and other professions. We have proven in this pandemic that we are ready to manage enhanced scope of practice, and we are calling on the Legislature to step up and get it done in the Budget now.

### **PBM Reform**

We are calling on the Legislature to enact PBM reform in the budget. Over the last several years, there have been PBM reform measures in the proposed budget. Three years ago, the Legislature rejected the budget proposal, and failed to pass their own legislation during Session. In 2019, the Legislature rejected the budget's PBM reform proposal, and passed their own PBM legislation unanimously in the Assembly, and by a 3 to 1 margin in the Senate. That bill was ultimately vetoed. Then, last year, there was a PBM reform proposal in the budget, and the Legislature once again rejected it. But, the Legislature subsequently failed to act on their own PBM reform measure in the remainder of Legislative Session. We as pharmacists and independent pharmacy owners cannot afford this cycle to repeat yet again.

The PBM reform in the proposed budget is good for pharmacy and patients. While it does not contain the public health law patient protections in **S3762 (Breslin)/A1396 (Gottfried)**, which PSSNY strongly supports, the proposed reforms are very strong. PSSNY supports providing the Department of Financial Services ("DFS") broad regulatory authority over PBMs. And, while we understand the need to have certain statutory definitions of prohibited conduct, PSSNY

believes that a grant of regulatory authority to DFS will allow for flexibility when PBMs inevitably adapt to whatever statutory provisions you enact. If you enact the proposed reform measure in the Budget, PSSNY strongly supports subsequently legislation to further strengthen patient protections. But we need this immediately the PBMs have their hands around our throats and our backs to the wall. The takeaway is this: **Do Not Let the Perfect Become The Enemy Of The Good.**

### **PSSNY Positions on the FY 2022 Budget Proposal**

#### **Part J: Pharmacy Benefit Managers – PSSNY Supports**

**PSSNY supports the language in the proposed budget.** However, PSSNY suggests that the Legislature incorporate patient protections into the final enacted budget. That said, PSSNY supports passage of the language “as-is,” if the sides cannot agree on the scope of additional patient protections.

#### **Part P: Expansion of Scope of Practice for Pharmacists**

**PSSNY is in favor of the language regarding vaccinations and CLIA waived testing.**

There is absolutely no policy-based justification for limiting the types of adult vaccinations that a pharmacist can perform in the State of New York. We are last among all states when it comes to the ability of pharmacists to vaccinate. As we said earlier, pharmacists have stepped up to administer the COVID-19 vaccine. There is no reason to prevent pharmacists from administering all CDC approved vaccines.

The Budget Proposal also contains a provision regarding collaborative drug therapy management (“CDTM”). While PSSNY does recognize the value of CDTM it does not reflect the needs of patients in the community, and instead focuses on institutional settings. The pharmacists in facilities such as hospitals are more likely to have the required residency training component. PSSNY is of the opinion that collaborative medication management (“CMM”) is more in line with community needs. Time and again it has been demonstrated that patients are more successful with their drug therapy when a pharmacist is directly involved. CMM facilitates a strong connection between the ordering provider and the pharmacist, allowing them to test and adjust patient medications to ensure optimal drug therapy utilization. The potential benefits are clear: increased medication compliance; lower total drug costs; and decreased doctor visits and hospitalizations. This is particularly important in underserved communities where access to physicians is challenging. **PSSNY recommends changes to the CDTM language to more closely align with the CMM language found in S5296 (Breslin) / A3849 (McDonald) from the 2020 Legislative Session because it is more favorable to independent pharmacies.**

### **Fee for Service**

There has been a lot of discussion around some of the challenges of moving the Medicaid pharmacy benefit to fee for service effective April 1, 2021. **PSSNY is calling on the Legislature to allow the implementation to go forward without delay.** Every state that has moved their pharmacy benefit to fee for service has realized millions of dollars in savings. New York will be no different.

## **Conclusion**

The lessons from this past year have taught us that pharmacy is a critical part of New York's healthcare ecosystem. PSSNY is asking for the Legislature to support pharmacy by passing PBM reform in the budget, as well as expanded immunization authority and other critical scope of practice issues that will enhance the lives of New Yorkers.