

**AMERICAN COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS, DISTRICT II  
MEDICAL SOCIETY OF THE STATE OF NEW YORK  
NEW YORK CHAPTER AMERICAN COLLEGE OF PHYSICIANS SERVICES INC.  
NEW YORK STATE ACADEMY OF FAMILY PHYSICIANS  
NEW YORK STATE NEUROLOGICAL SOCIETY  
NYS OPHTHALMOLOGICAL SOCIETY  
NEW YORK STATE PSYCHIATRIC ASSOCIATION  
NEW YORK STATE SOCIETY OF ANESTHESIOLOGISTS  
NEW YORK STATE SOCIETY OF DERMATOLOGY & DERMATOLOGICAL SURGERY  
NYS SOCIETY OF OTOLARYNGOLOGY-HEAD AND NECK SURGERY  
NEW YORK STATE SOCIETY OF PLASTIC SURGEONS**

To: New York State Legislators

Re: Oppose Repeal of Prescriber Prevails Under Medicaid Fee for Service & Managed Care  
(Part I of A8807/S8307)

Our respective organizations, which together represent tens of thousands of physicians across the State of New York delivering care to millions of patients each year, urge you to reject the proposed repeal of the authority of physicians and other qualified prescribers to make a final determination regarding medication prescribed to individuals covered under Medicaid Fee-for-Service and Medicaid Managed Care, commonly referred to as “prescriber prevails.” Repealing this critical patient protection would jeopardize patient care as well as undercut initiatives the State has undertaken to reduce unnecessary and avoidable hospitalizations. A key component in sustaining and accelerating such a trend is assuring individuals are able to obtain the medications prescribed by their physician to alleviate the symptomatology of their physical and/or mental health conditions. We thank the Senate and Assembly for standing up for patients and rejecting this proposed change in previous budget years and urge you to do so again.

As the State began shifting additional populations into Medicaid Managed Care as part of the Medicaid Redesign Process, the “prescriber prevails” provisions were extended to this population for non-formulary atypical antipsychotic medications at first and later to anti-depressant, anti-retroviral, anti-rejection, seizure, epilepsy, endocrine, hematologic and immunologic therapeutic classes. This is critically important protection for patients that must be maintained with Medicaid prescription coverage now covered through the NYRx program. As it is, under the current law the prescriber has to go to great lengths to “demonstrate” the medication is medically necessary and warranted, a process that has prescribers spending an inordinate amount of time navigating a maze of pharmaceutical management processes to obtain approval to prescribe the medications their patients need. Given the well documented dynamic that these time-consuming administrative hassles are contributing significantly to the problem of clinician “burnout,” this proposal would only exacerbate this problem at the worst possible time. Over the years, the Legislature has rejected the administration’s budget proposals to curtail or eliminate the patient protections embodied in the prescriber prevails provisions of the law.

Of greatest importance, we believe any projected savings based on the repeal of “prescriber prevails” would be dwarfed by the health care complications likely to arise as a result of individuals not being able to access the medications they need to remain healthy in the community. For many physical and mental health illnesses and conditions and substance use disorders, finding the most efficacious medication for a patient is often not a one-size-fits-all approach, making it even more important that once made the decision is respected in order to preserve continuity of care and enhance treatment adherence.

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