

## Center for Judicial Accountability, Inc. (CJA)

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**From:** Mischa Sogut <sogutm@nyassembly.gov>  
**Sent:** Thursday, April 13, 2017 11:06 AM  
**To:** Center for Judicial Accountability, Inc. (CJA)  
**Subject:** RE: Assemblyman Gottfried's powerful April 8th statement on the Assembly floor regarding the workers' compensation drug prescription legislation in budget bill #S3009

Elena –

It was in the enacted Revenue bill, A.3009-C, the language is below.

Best,

Mischa B. Sogut  
Legislative Director, Assembly Health Committee  
Office of Assembly Member Richard N. Gottfried  
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### SUBPART C

13 Section 1. The workers' compensation law is amended by adding a new  
14 section 13-p to read as follows:  
15 § 13-p. Comprehensive prescription drug formulary. The chair shall  
16 establish a comprehensive prescription drug formulary on or before  
17 December thirty-first, two thousand seventeen. The prescription drug  
18 formulary shall include a tiered list of high-quality, cost-effective  
19 medications that are pre-approved to be prescribed and dispensed, as  
20 well as additional non-preferred drugs that can be prescribed with prior  
21 approval. Such prescription drug formulary, shall include but not be  
22 limited to implementation of a pharmacy reimbursement strategy, adminis-  
23 tration of a prescription drug rebate program for formulary drugs, a  
24 pre-approval program, drug utilization review, and limitations on the  
25 prescribing of compounded medications and compounded topical prepara-  
26 tions. The board shall promulgate regulations to permit an interested  
27 party to submit a request to the medical director of the board to alter  
28 or amend the formulary to consider changing the status of a drug from  
29 non-preferred to preferred. Regulations may include a provision for  
30 reasonable costs and fees associated with the review.  
31 § 2. This act shall take effect immediately.

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**From:** Center for Judicial Accountability, Inc. (CJA) [mailto:[elena@judgewatch.org](mailto:elena@judgewatch.org)]  
**Sent:** Thursday, April 13, 2017 10:54 AM  
**To:** [sogutm@nyassembly.gov](mailto:sogutm@nyassembly.gov)  
**Subject:** Assemblyman Gottfried's powerful April 8th statement on the Assembly floor regarding the workers' compensation drug prescription legislation in budget bill #S3009

**TO: Mischa Sogut/Legislative Director to Assemblyman Richard Gottfried**

This follows up my phone call a short time ago, requesting to speak with you.

On April 8<sup>th</sup>, Assemblyman Gottfried delivered powerful remarks from the Assembly floor in opposition to a system for a prescription drug formulary as part of workers' compensation that is within budget bill #S3009. Here's the video: [http://nystateassembly.granicus.com/MediaPlayer.php?view\\_id=6&clip\\_id=4213](http://nystateassembly.granicus.com/MediaPlayer.php?view_id=6&clip_id=4213) – the Assemblyman's remarks are at about 4 hours/20 minutes.

Kindly identify the part/section of the budget bill to which Assemblyman Gottfried was referring – as “with no process as to how it is set up, other than the chair of the workers' comp board will create it”; “little guidance in the statute as to what the criteria will be...”, “no process provided in the bill”; “no criteria...as to when to grant it and when not”; having “spr[u]ng forth to public view a few hours ago. It was not in the original bill as submitted by the governor. It has never seen the light of day until, literally, after dawn this morning, so the general public never had any opportunity to even know that this concept was on the table...” – “hell to pay”, if applied in other contexts; “language [that] is just wrong, not the way we should be treating workers who are injured or diseased from their employment...”

Especially as Assemblyman Gottfried has pledged to take steps “over the next few weeks” – so that it is “more civilized legislation” – I look forward to alerting you to an opportunity Assemblyman Gottfried has to do just that – and to speaking with Assemblyman Gottfried directly about it.

Thank you.

Elena Sassower, Director  
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