



Government Affairs Alert

July 15, 2008

New York Emergency Rule Update

On July 7, 2008, the New York State Workers' Compensation Board (NYWCB) published an emergency rule which amended the pharmacy and DME fee schedules. The NYWCB recognized the impact of the existing emergency rule, which was first adopted in July 2007, and recently modified the fee schedules accordingly. On July 15, 2008, PMSI implemented the change.

The new emergency rule remains in effect for 90 days. The NYWCB can re-adopt this emergency rule without public comment upon its expiration.

To inform you of this change, we have included text from Chapter V. of Title 12 NYCRR, Subchapter M, Section 440.5(1) as well as a link to the full text below.

“The maximum reimbursement or payment for prescription drugs or medicines in uncontroverted cases, including all brand name and generic prescription drugs or medicines, shall be the Average Wholesale Price for the national drug code for the prescription drug or medicine on the day it was dispensed minus twelve percent (12%) plus a dispensing fee of four dollars for brand name drugs or medicines or minus twenty percent (20%) plus a dispensing fee of five dollars for generic drugs or medicines.”

PMSI will continue to monitor the progress of this legislation and keep you informed of changes affecting your business.

For more information, go to http://www.wcb.state.ny.us/content/main/wclaws/Emergency/SubchapterM_7-7-08.jsp to access the full amendment text on the New York State Workers' Compensation Board site or contact your PMSI Account Representative. You may also contact John Bencivenga, Vice President of Legal/Government Affairs and General Counsel at John.Bencivenga@pmisonline.com.

PMSI—The Only Solution You Need. Founded in 1976, today PMSI is the nation's largest provider of specialty managed care services and products for workers' compensation and catastrophically injured populations. PMSI provides an integrated portfolio of services in Pharmacy, Medicare Set-Asides, Medical Services and Equipment, and Clinical Services that promote quality care for injured workers while helping clients contain costs and control utilization. PMSI is a subsidiary of AmerisourceBergen Corporation—ranked # 28 in the Fortune 500 list and among the Top 5 in the Pharmaceuticals Service Providers category.