



**Focus of Community Pharmacy:
Access. Trust. Wellness.**

**Testimony for the
Joint Legislative Budget Hearing on Higher Education**

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9:30AM**

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Senate Finance Committee Chair Krueger, Assembly Ways & Means Chair Pretlow, Senate and Assembly Higher Education Committee Chairs Stavisky and Hyndman, other members of the Committees, the Community Pharmacy Association of New York State (CPANYS) would like to thank you for your strong past support of local, community pharmacies in New York and for the opportunity to testify today related to the State Fiscal Year (SFY) 2025-26 State Budget.

CPANYS represents community pharmacies of all types and sizes, and in every county across the State. Together, we are focused on protecting patient access to pharmacy care and strengthening the role that pharmacists can play as part of the health care team to improve patient health outcomes while reducing costs.

Below please find an outline of our budget and related priorities for SFY 2025-26.

Health/ Mental Hygiene Article VII Budget Bill (S3007/A3007), Part V

(1) SUPPORT Proposals to Codify Vaccine Access Provisions of the Federal PREP Act

- a. **COVID-19 Vaccination:** Pharmacists have been administering immunizations in New York State since 2008 and currently may give all CDC-recommended vaccines for adults, as well as influenza vaccine to children aged two and older under state law. This has created a highly accessible and convenient location for individuals to receive recommended immunizations from their trusted pharmacist. During the COVID-19 pandemic, the federal government (HHS) issued the Public Readiness and Emergency Preparedness Act (PREP Act) which among other things expanded vaccine access for communities throughout the country. Among its provision is the ability for immunizing pharmacists to give the COVID-19 vaccine to children aged 2 and older. While one of the final actions of the Biden Administration was to extend these PREP Act provision through December 31, 2029, it is unclear what the new Administration and HHS will do. We are very supportive of New York State codifying this, as proposed in the SFY 2026 Executive Budget, to ensure that pharmacies may continue to serve as vital access points for children to receive COVID-19 vaccines. *We urge the inclusion of this proposal in the Final State Budget.*
- b. **Vaccination by Registered Pharmacy Technicians:** Another provision of the federal PREP Act discussed above is the ability for pharmacy technicians who are trained and nationally certified to administer vaccines under the direct supervision of a licensed, vaccinating pharmacist. This has been important to help expand the qualified workforce in pharmacies to meet the vaccine needs of their communities and to offer off-site flu clinics and other opportunities to conveniently bring vaccines to all who need them. Again, while the PREP Act has been extended to 2029, there is uncertainty about whether this will remain in place. As a result, we support the Executive Budget proposal to codify the ability of pharmacy technicians to give vaccines under the supervision of pharmacists. Importantly however, the Executive budget only refers to those pharmacy technicians who are “registered” by the State. Several years ago a law was enacted which created registered pharmacy technicians but limited the settings where they may work to

Article 28 (hospital pharmacies). In recent years, there have been efforts to address this to allow a registered pharmacy technician in all pharmacy settings including legislation introduced this session to accomplish this ([S3236, Cooney/A678, Solages](#) and [A5152, Solages](#)). If an individual has met the requirements to be “registered” including gaining national certification there is no reason they should be limited to only working in a hospital pharmacy setting. *We urge that this proposal be expanded to remove this limitation in section 6841 of education law so a registered pharmacy technician can practice in the community or all other pharmacy settings while codifying in state law the ability for pharmacy technicians to administer vaccines under the supervision of a pharmacist.*

We respectfully ask that the Legislature includes these proposals, with the modification requested on the pharmacy technician proposal, in your one-house budget bills and the final State budget for SFY 2025-26.

(2) SUPPORT Expanded Access to Nicotine Replacement Therapy

The Executive budget includes a proposal to authorize licensed pharmacists to order medications to treat nicotine dependence, as approved by the federal FDA for smoking cessation. Smoking and tobacco use is the leading cause of death in New York and this country. Smoking and secondhand smoke have been proven to cause many diseases including cancer, heart disease, stroke and many others. Currently community pharmacies are a resource to those who are looking to quit and provide many over-the-counter methods and prescription medications to do so. This proposal would make access to smoking cessation medications even easier. If a person has tried and is unsuccessful on other methods like the patch, lozenges etc., and having the ability for a licensed pharmacist to counsel them and provide a prescription medication on demand could mean the difference between a person successfully quitting or giving up and continuing to smoke. This is a smart policy which New York should enact.

According to the National Institutes of Health, as of June 2022, 17 states have enacted laws allowing pharmacists to order some or all FDA-approved smoking cessation medications, similar to this proposal.

We respectfully urge the Legislature to include this proposal in your one-house budget bills and the final State budget this year.

OMIG Audit Reform

(1) NEED NYS OMIG Audit Reform

For over a decade, our Association has been actively engaged in an effort to seek reforms to the Office of the Medicaid Inspector General (OMIG) auditing processes, in partnership with providers and associations across the healthcare sector and continuum. OMIG’s practices are threatening the financial viability of providers and programs serving those enrolled in Medicaid. These practices are not targeting fraud, waste and abuse, but rather clerical, technical or administrative errors by providers which are

unintentional and correctible. Rather than allow providers to correct errors and make improvements to prevent repeat errors, OMIG take punitive action utilizing extrapolation and taking a clerical error which may relate to a claim of a couple hundred dollars and demand a provider recoupment of hundreds or thousands or millions of dollars. This is untenable and unsustainable.

We commend the Legislature for hearing these concerns and passing legislation in 2022 to address these practices and inject fairness, transparency and guard rails into OMIG audits. However, Governor Hochul vetoed that bill. In her veto message the Governor directed OMIG to *“engage the healthcare provider community and Medicaid stakeholders to solicit input on the concerns... perform a comprehensive review of the agency’s program integrity process and identify areas for improvement... commit to conducting program integrity activities in a responsible manner that includes consideration of financial impacts on providers and assured continuity of care for Medicaid recipients.”*

We are unaware of any reforms being enacted since this veto and based on feedback from members and other providers, unfair auditing activities continue unabated. In the 2023 Annual Report of OMIG (latest available on its website), OMIG said it had completed nearly 3,000 audits and investigations that year, resulting in over \$4 billion in cost savings and recoveries. Now more than ever, we must ensure that OMIG is focusing on actual fraud, waste and abuse and not clerical errors by honest providers who are providing essential services for New Yorkers. The OMIG Audit Reform legislation passed by the Legislature in 2022 has been amended to address concerns raised. We respectfully urge the inclusion of the 2025 legislation ([A1069A, Paulin/S4955, Harckham](#)) in your one-house budget bills and in the final state budget to protect access to critical healthcare services for those enrolled in Medicaid.

Thank you for your consideration of our comments regarding the SFY 2025-26 budget. The shared goal of our members is to ensure patient access to high quality pharmacy care throughout the State. Please continue to see our Association and members as a resource on any pharmacy or health-related topic where we can be of assistance.