

CHAPTER 363

AN ACT to amend and supplement "An Act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 2006 and regulating the disbursement thereof," approved July 2, 2005 (P.L.2005, c.132).

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. In addition to the amounts appropriated under P.L.2005, c.132, the fiscal year 2006 appropriations act, there is appropriated out the of the General Fund the following sum for the purpose specified:

26 DEPARTMENT OF CORRECTIONS

10 Public Safety and Criminal Justice

16 Detention and Rehabilitation

7025 System-Wide Program Support

GRANTS-IN-AID

13-7025 Institutional Program Support	<u>\$22,000,000</u>
Total Grants-in-Aid Appropriation, System-Wide	
Program Support	<u>\$22,000,000</u>
<i>Grant-in-Aid:</i>	
13 Purchase of Services for Inmates	
Incarcerated in County Penal Facilities	(\$22,000,000)
Total Appropriation, Department of Corrections	<u>\$22,000,000</u>

2. The following language provisions of section 1 of P.L.2005, c.132, the annual appropriations act for fiscal year 2006, are amended to read as follows:

46 DEPARTMENT OF HEALTH AND SENIOR SERVICES

20 Physical and Mental Health

26 Senior Services

GRANTS-IN-AID

24-4275 Pharmaceutical Assistance to the Aged and Disabled

Notwithstanding the provisions of any other law or regulation to the contrary, no funds appropriated in the Pharmaceutical Assistance to the Aged and Disabled program classification and the Senior Gold Prescription Discount Program account shall be expended except under the following conditions: (a) reimbursement for prescription drugs shall be based on the Average Wholesale Price less a 12.5% discount; (b) the current prescription drug dispensing fee structure set as a variable rate of \$3.73 to \$4.07 in effect on June 30, 2005 shall remain in effect through fiscal year 2006, including the current increments for patient consultation, impact allowances and allowances for 24-hour emergency services; and (c) multisource generic and single source brand name drugs shall be dispensed without prior authorization but multisource brand name drugs shall require prior authorization issued by the Department of Health and Senior Services or its authorizing agent, however, a 10-day supply of the multisource brand name drug shall be dispensed pending receipt of prior authorization. Certain multisource brand name drugs with a narrow therapeutic index, other drugs recommended by the Drug Utilization Review Board or brand name drugs with a lower cost per unit than the generic may be excluded from prior authorization by the Department of Health and Senior Services. The funds appropriated for the Pharmaceutical Assistance to the Aged and Disabled program and the Senior Gold Prescription Discount Program may also be expended for a temporary program to provide additional compensation to pharmacies which serve a disproportionate share of PAAD and Senior Gold participants due to a significant decline in a pharmacy's total prescription drug dispensing fee compensation resulting from changes in federal law. A pharmacy shall be eligible for such additional compensation if it: (a) is classified by the Division of Medical Assistance and Health Services during calendar year 2005 as a pharmacy receiving an impact allowance pursuant to N.J.A.C.10:51-1.7(a)(3); (b) is not considered a long-term care pharmacy; and (c) has not filled more than 10,443 PAAD or Senior Gold prescriptions during calendar year 2005. The additional compensation shall equal \$2 for each PAAD and Senior Gold prescription filled between January 1, 2005 and June 30, 2005.

24-4275 Pharmaceutical Assistance to the Aged and Disabled
Casino Revenue Fund

Notwithstanding the provisions of any other law or regulation to the contrary, no funds appropriated in the Pharmaceutical Assistance to the Aged and Disabled program classification and the Senior Gold Prescription Discount Program account shall be expended except under the following conditions: (a) reimbursement for prescription drugs shall be based on the Average Wholesale Price less a 12.5% discount; (b) the current prescription drug dispensing fee structure set as a variable rate of \$3.73 to \$4.07 in effect on June 30, 2005 shall remain in effect through fiscal year 2006, including the current increments for patient consultation, impact allowances and allowances for 24-hour emergency services; and (c) multisource generic and single source brand name drugs shall be dispensed without prior authorization but multisource brand name drugs shall require prior authorization issued by the Department of Health and Senior Services or its authorizing agent, however, a 10-day supply of the multisource brand name drug shall be dispensed pending receipt of prior authorization. Certain multisource brand name drugs with a narrow therapeutic index, other drugs recommended by the Drug Utilization Review Board or brand name drugs with a lower cost per unit than the generic may be excluded from prior authorization by the Department of Health and Senior Services. The funds appropriated for the Pharmaceutical Assistance to the Aged and Disabled program and the Senior Gold Prescription Discount Program may also be expended for a temporary program to provide additional compensation to pharmacies which serve a disproportionate share of PAAD and Senior Gold participants due to a significant decline in a pharmacy's total prescription drug dispensing fee compensation resulting from changes in federal law. A pharmacy shall be eligible for such additional compensation if it: (a) is classified by the Division of Medical Assistance and Health Services during calendar year 2005 as a pharmacy receiving an impact allowance pursuant to N.J.A.C.10:51-1.7(a)(3); (b) is not considered a long-term care pharmacy; and (c) has not filled more than 10,443 PAAD or Senior Gold prescriptions during calendar year 2005. The additional compensation shall equal \$2 for each PAAD and Senior Gold prescription filled between January 1, 2005 and June 30, 2005.

54 DEPARTMENT OF HUMAN SERVICES

24 Special Health Services

7540 Division of Medical Assistance and Health Services

GRANTS-IN-AID

22-7540 General Medical Services

Notwithstanding the provisions of any other law or regulation to the contrary, and subject to the notice provisions of 42 CFR 447.205 where applicable, no funds appropriated for prescription drugs in the Payments for Medical Assistance Recipients-Prescription Drugs or General Assistance Medical Services account shall be expended except under the following conditions: (a) reimbursement for the cost of legend, and non-legend drugs, and nutritional supplements, shall not exceed their Average Wholesale Price (AWP) less a 12.5% discount; (b) the current prescription drug dispensing fee structure set as a variable rate of \$3.73 to \$4.07 in effect on June 30, 2005 shall remain in effect through fiscal year 2006, including the current increments for patient consultation, impact allowances, and allowances for 24-hour emergency services; and (c) multisource generic and single source brand name drugs shall be dispensed without prior authorization but multisource brand name drugs shall require prior authorization issued by the Division of Medical Assistance and Health Services or its authorizing agent, however, a 10-day supply of the multisource brand name drug shall be dispensed pending receipt of prior authorization. Certain multisource brand name drugs with a narrow therapeutic index, other drugs recommended by the Drug Utilization Board or brand name drugs with lower cost per unit than the generic, may be excluded from prior authorization by the Division of Medical Assistance and Health Services. The funds appropriated for the Payments for Medical Assistance Recipients-Prescription Drugs may also be expended for a temporary program to provide additional compensation to pharmacies which serve a disproportionate share of Medicaid participants due to a significant decline in a pharmacy's total prescription drug dispensing fee compensation resulting from changes in federal law. A pharmacy shall be eligible for such additional compensation if it: (a) is classified by the Division of Medical Assistance and Health Services during calendar year 2005 as a pharmacy receiving an impact allowance pursuant to N.J.A.C.10:51-1.7(a)(3); (b) is not considered a long-term care pharmacy; and (c) has not filled more than 8,562 Medicaid prescriptions during calendar year 2005. The additional compensation shall equal \$2 for each Medicaid prescription filled between January 1, 2005 and June 30, 2005.

74 DEPARTMENT OF STATE

30 Educational, Cultural and Intellectual Development

36 Higher Educational Services

2410 Rutgers, The State University

GRANTS-IN-AID

82-2410 Institutional Support

Of the sums hereinabove appropriated for Rutgers, The State University, \$180,000 is appropriated for the Masters in Government Accounting Program, \$105,000 is appropriated for the Tomato Technology Transfer Program, \$95,000 is appropriated for the Haskin Shellfish Research Laboratory, \$200,000 is appropriated for the Camden Law School Clinical Legal Programs for the Poor, \$200,000 is appropriated for the Newark Law School Clinical Legal Programs for the Poor, \$740,000 is appropriated for the Civic Square Project-Debt Service, \$75,000 is appropriated for the Walter Rand Institute for Public Affairs, \$700,000 is appropriated for In Lieu of Taxes to New Brunswick, \$500,000 is appropriated for capital projects or maintenance for Division of Intercollegiate Athletic facilities at Rutgers, New Brunswick, \$500,000 for the Gubernatorial Project, \$18,000,000 is appropriated for Rutgers-Newark School of Business, \$135,000 for E3CO, Inc. and \$515,000 is appropriated for the New Jersey EcoComplex, Burlington County. These accounts shall be considered special purpose appropriations for accounting and reporting purposes.

3. This act shall take effective immediately.

Approved January 12, 2006.