S T A T E O F N E W Y O R K

3749--C

2011-2012 Regular Sessions

I N S E N A T E

March 3, 2011

Introduced by Sens. ROBACH, ADDABBO, JOHNSON, MARTINS, MAZIARZ, McDONALD, SAVINO, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Labor -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Labor in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the workers' compensation law, in relation to prescription prices and pharmacies for injured employees

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Paragraph 5 of subdivision (i) of section 13 of the workers' compensation law, as added by chapter 6 of the laws of 2007 is amended and two new paragraphs 6 and 7 are added to read as follows:

(5) [Notwithstanding any other provision of this chapter, if] IF an employer or carrier has contracted with a pharmacy to provide prescribed medicine to claimants, then such employer or carrier may require claimants to obtain all prescribed medicines from the pharmacy with which it has contracted, except if a medical emergency occurs and it would not be reasonably possible to obtain immediately required prescribed medicine from the pharmacy with which the employer or carrier has a contract. An employer or carrier that requires claimants to obtain prescribed medicines from a pharmacy with which it has a contract must notify claimants of the pharmacy or pharmacies with which it has a contract, the locations and addresses of the pharmacy or pharmacies, if applicable, how to initially fill and refill prescriptions through the mail, internet, telephone or other means, and any other required information that must be supplied to the pharmacy or pharmacies. If the pharmacy or pharmacies with which the employer or carrier contracts does not offer mail

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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order service and does not have a physical location within a reasonable distance from the claimant, as defined by regulation of the board, the claimant may obtain prescribed medicines at the pharmacy or pharmacies of his or her choice and the employer or carrier will be liable for such charges in accordance with the fee schedule prescribed in section thirteen-o of this [chapter] ARTICLE.

(6) NOTWITHSTANDING PARAGRAPH FIVE OF THIS SUBDIVISION, AN EMPLOYER OR CARRIER SHALL BE PROHIBITED FROM REFUSING TO ALLOW A CLAIMANT TO UTILIZE A PHARMACY OF HIS OR HER CHOICE TO FURNISH THE PRESCRIBED MEDICATIONS REQUIRED BY THE CLAIMANT AS LONG AS SUCH PHARMACY'S CHARGES COMPLY WITH THE PUBLISHED PRICES.

(7) NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, THE INITIAL FILL OF A PRESCRIPTION MEDICINE IN CONNECTION WITH A CLAIM FOR BENEFITS UNDER THIS SUBDIVISION SHALL NOT CONTAIN A SUPPLY OF SUCH MEDICINE FOR A PERIOD OF LONGER THAN FOURTEEN DAYS. FOR THE PURPOSES OF THIS PARAGRAPH, "INITIAL FILL" SHALL BE DEFINED AS A PRESCRIPTION OR A COMBINATION OF PRESCRIPTIONS FOR MEDICATION ISSUED BY AN AUTHORIZED MEDICAL PROVIDER AT THE TIME OF DISCOVERY OF INJURY OR ILLNESS BUT SHALL NOT INCLUDE PRESCRIPTIONS THAT MAY BE WRITTEN SEVENTY-TWO HOURS OR MORE FROM THE TIME OF INITIAL MEDICAL CARE.

S 2. This act shall take effect immediately.