

3749--D

Cal. No. 634

2011-2012 Regular Sessions

I N S E N A T E

March 3, 2011

Introduced by Sens. ROBACH, ADDABBO, AVELLA, BONACIC, FLANAGAN, GOLDEN, JOHNSON, KLEIN, LARKIN, LAVALLE, MARTINS, MAZIARZ, McDONALD, NOZZOLIO, OPPENHEIMER, SAVINO, VALESKY, YOUNG, ZELDIN -- 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 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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:

1 Section 1. Paragraph 5 of subdivision (i) of section 13 of the work-
2 ers' compensation law, as added by chapter 6 of the laws of 2007, is
3 amended to read as follows:
4 (5) [Notwithstanding any other provision of this chapter, if] IF an
5 employer or carrier has contracted with a pharmacy to provide prescribed
6 medicine to claimants, then such employer or carrier may require claim-
7 ants to obtain all prescribed medicines from the pharmacy with which it
8 has contracted, except if a medical emergency occurs and it would not be
9 reasonably possible to obtain immediately required prescribed medicine
10 from the pharmacy with which the employer or carrier has a contract. An
11 employer or carrier that requires claimants to obtain prescribed medi-
12 cines from a pharmacy with which it has a contract must notify claimants
13 of the pharmacy or pharmacies with which it has a contract, the
14 locations and addresses of the pharmacy or pharmacies, if applicable,

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

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1 how to initially fill and refill prescriptions through the mail, inter-
2 net, telephone or other means, and any other required information that
3 must be supplied to the pharmacy or pharmacies. If the pharmacy or phar-
4 macies with which the employer or carrier contracts does not offer mail
5 order service and does not have a physical location within a reasonable
6 distance from the claimant, as defined by regulation of the board, the
7 claimant may obtain prescribed medicines at the pharmacy or pharmacies
8 of his or her choice and the employer or carrier will be liable for such
9 charges in accordance with the fee schedule prescribed in section thir-
10 teen-o of this [chapter] ARTICLE.
11 S 2. This act shall take effect immediately.