

6054

I N S E N A T E

(PREFILED)

January 4, 2012

Introduced by Sen. MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

AN ACT to amend the insurance law, in relation to the purchase of prescription drugs

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

1 Section 1. Paragraph 28 of subsection (i) of section 3216 of the
2 insurance law, as added by a chapter of the laws of 2011, amending the
3 insurance law relating to the purchase of prescription drugs, as
4 proposed in legislative bills numbers S. 3510-B and A. 5502-B, is
5 amended to read as follows:
6 (28) Any policy [which] THAT provides coverage for prescription drugs
7 shall permit each [participant] INSURED to fill any [mail order] covered
8 prescription THAT MAY BE OBTAINED AT A NETWORK PARTICIPATING MAIL ORDER
9 OR OTHER NON-RETAIL PHARMACY, at [his or her] THE INSURED'S option, at
10 [any mail order pharmacy or] A network participating non-mail order
11 retail pharmacy [if the network participating non-mail order retail
12 pharmacy offers to accept a price that is comparable to that of the mail
13 order pharmacy] PROVIDED THAT THE NETWORK PARTICIPATING NON-MAIL ORDER
14 RETAIL PHARMACY AGREES IN ADVANCE, THROUGH A CONTRACTUAL NETWORK AGREE-
15 MENT, TO THE SAME REIMBURSEMENT AMOUNT, AS WELL AS THE SAME APPLICABLE
16 TERMS AND CONDITIONS, THAT THE INSURER HAS ESTABLISHED FOR THE NETWORK
17 PARTICIPATING MAIL ORDER OR OTHER NON-RETAIL PHARMACY. [Any policy
18 which provides coverage for prescription drugs] IN SUCH A CASE, THE
19 POLICY shall not impose a co-payment fee or other condition on any
20 insured who elects to purchase PRESCRIPTION drugs from a network partic-
21 ipating non-mail order retail pharmacy which is not also imposed on
22 insureds electing to purchase drugs from a [designated] NETWORK PARTIC-
23 IPATING mail order OR OTHER NON-RETAIL pharmacy[; provided, however,
24 that the provisions of this section shall not supersede the terms of a
25 collective bargaining agreement or apply to a policy that is the result
26 of a collective bargaining agreement between an employer and a recog-
27 nized or certified employee organization].

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

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1 S 2. Paragraph 18 of subsection (1) of section 3221 of the insurance
2 law, as added by a chapter of the laws of 2011, amending the insurance
3 law relating to the purchase of prescription drugs, as proposed in
4 legislative bills numbers S. 3510-B and A. 5502-B, is amended to read as
5 follows:

6 (18) Any insurer delivering a group or blanket policy or issuing a
7 group or blanket policy for delivery in this state [which] THAT provides
8 coverage for prescription drugs shall permit each [participant] INSURED
9 to fill any [mail order] covered prescription THAT MAY BE OBTAINED AT A
10 NETWORK PARTICIPATING MAIL ORDER OR OTHER NON-RETAIL PHARMACY, at [his
11 or her] THE INSURED'S option, at [any mail order pharmacy or] A network
12 participating non-mail order retail pharmacy [if the network participat-
13 ing non-mail order retail pharmacy offers to accept a price that is
14 comparable to that of the mail order pharmacy] PROVIDED THAT THE NETWORK
15 PARTICIPATING NON-MAIL ORDER RETAIL PHARMACY AGREES IN ADVANCE, THROUGH
16 A CONTRACTUAL NETWORK AGREEMENT, TO THE SAME REIMBURSEMENT AMOUNT, AS
17 WELL AS THE SAME APPLICABLE TERMS AND CONDITIONS, THAT THE INSURER HAS
18 ESTABLISHED FOR THE NETWORK PARTICIPATING MAIL ORDER OR OTHER NON-RETAIL
19 PHARMACY. [Any policy which provides coverage for prescription drugs]
20 IN SUCH A CASE, THE POLICY shall not impose a co-payment fee or other
21 condition on any insured who elects to purchase drugs from a network
22 participating non-mail order retail pharmacy which is not also imposed
23 on insureds electing to purchase drugs from a [designated] NETWORK
24 PARTICIPATING mail order OR OTHER NON-RETAIL pharmacy; provided, howev-
25 er, that the provisions of this section shall not supersede the terms of
26 a collective bargaining agreement or apply to a policy that is the
27 result of a collective bargaining agreement between an employer and a
28 recognized or certified employee organization.

29 S 3. Subsection (hh) of section 4303 of the insurance law, as added by
30 a chapter of the laws of 2011, amending the insurance law relating to
31 the purchase of prescription drugs, as proposed in legislative bills
32 numbers S. 3510-B and A. 5502-B, is amended to read as follows:

33 (hh) Any [policy] CONTRACT issued by a medical expense indemnity
34 corporation, a hospital service corporation or a health services corpo-
35 ration [which] THAT provides coverage for prescription drugs shall
36 permit each [participant] COVERED PERSON to fill any [mail order]
37 covered prescription THAT MAY BE OBTAINED AT A NETWORK PARTICIPATING
38 MAIL ORDER OR OTHER NON-RETAIL PHARMACY, at [his or her] THE COVERED
39 PERSON'S option, at [any mail order pharmacy or] A network participating
40 non-mail order retail pharmacy [if the network participating non-mail
41 order retail pharmacy offers to accept a price that is comparable to
42 that of the mail order pharmacy] PROVIDED THAT THE NETWORK PARTICIPATING
43 NON-MAIL ORDER RETAIL PHARMACY AGREES IN ADVANCE, THROUGH A CONTRACTUAL
44 NETWORK AGREEMENT, TO THE SAME REIMBURSEMENT AMOUNT, AS WELL AS THE SAME
45 APPLICABLE TERMS AND CONDITIONS, THAT THE CORPORATION HAS ESTABLISHED
46 FOR THE NETWORK PARTICIPATING MAIL ORDER OR OTHER NON-RETAIL PHARMACY.
47 [Any policy which provides coverage for prescription drugs] IN SUCH A
48 CASE, THE CONTRACT shall not impose a copayment fee or other condition
49 on any [insured] COVERED PERSON who elects to purchase drugs from a
50 network participating non-mail order retail pharmacy which is not also
51 imposed on [insureds] COVERED PERSONS electing to purchase drugs from a
52 [designated] NETWORK PARTICIPATING mail order OR OTHER NON-RETAIL phar-
53 macy; provided, however, that the provisions of this section shall not
54 supersede the terms of a collective bargaining agreement or apply to a
55 [policy] CONTRACT that is the result of a collective bargaining agree-

1 ment between an employer and a recognized or certified employee organ-
2 ization.

3 S 4. This act shall take effect on the same date and in the same
4 manner as a chapter of the laws of 2011, amending the insurance law
5 relating to the purchase of prescription drugs, as proposed in legisla-
6 tive bills numbers S. 3510-B and A. 5502-B, takes effect.