

STATE OF NEW YORK

3134

2021-2022 Regular Sessions

IN ASSEMBLY

January 22, 2021

Introduced by M. of A. EPSTEIN, CRUZ, SEAWRIGHT, BARNWELL, STERN, DINOW-ITZ, McMAHON, GOTTFRIED, GRIFFIN, ABINANTI, SIMON -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law and the education law, in relation to providing for coverage of a one hundred twenty-day supply of a prescription without prior authorization during a state disaster emergency

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 3242 of the insurance law is amended by adding a
2 new subsection (c) to read as follows:

3 (c) (1) Every policy delivered or issued for delivery in this state
4 that provides coverage for prescription drugs shall include in such
5 policy a process that allows an insured, the insured's designee, or the
6 insured's prescribing health care provider to obtain a one hundred twen-
7 ty-day supply of any current prescription of the insured without requir-
8 ing prior authorization of the insurer upon the declaration of a state
9 disaster emergency pursuant to section twenty-eight of the executive
10 law.

11 (2) An insurer who violates the provisions of this subsection shall be
12 liable for a civil penalty equal to one hundred dollars per dose of the
13 prescription when coverage is denied for lack of prior authorization.

14 § 2. Section 4329 of the insurance law is amended by adding a new
15 subsection (c) to read as follows:

16 (c) (1) Every contract issued by a corporation subject to the
17 provisions of this article that provides coverage for prescription drugs
18 shall include in the contract a process that allows an insured, the
19 insured's designee, or the insured's prescribing health care provider to
20 immediately obtain a one hundred twenty-day supply of any current
21 prescription of the insured without requiring prior authorization of the

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

LBD02180-01-1

1 insurer upon the declaration of a state disaster emergency pursuant to
2 section twenty-eight of the executive law.

3 (2) An insurer who violates the provisions of this subsection shall be
4 liable for a civil penalty equal to one hundred dollars per dose of the
5 prescription when coverage is denied for lack of prior authorization.

6 § 3. Section 6810 of the education law is amended by adding a new
7 subdivision 16 to read as follows:

8 16. (a) Notwithstanding any other provisions of this section or any
9 other law to the contrary, a pharmacy shall dispense a one hundred twen-
10 ty-day supply of a prescription to a patient, or a person authorized to
11 make the request on behalf of the patient, at no cost to such patient,
12 or person authorized to make the request on behalf of the patient, if
13 the insurance coverage of the patient for such prescription is denied
14 due to a lack of prior authorization during a state disaster emergency
15 declared pursuant to section twenty-eight of the executive law. A phar-
16 macy shall have a cause of action against the insurance provider for the
17 cost of a prescription dispensed pursuant to the provisions of this
18 subdivision.

19 § 4. This act shall take effect immediately and shall apply to all
20 policies and contracts issued, renewed, modified, altered or amended on
21 or after such date.