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

1531

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. COLTON -- Multi-Sponsored by -- M. of A. CLARK, PHEFFER, J. RIVERA, WRIGHT -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to uniform prescription drug information cards

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

Section 1. The insurance law is amended by adding a new section 3240 to read as follows:

S 3240. UNIFORM PRESCRIPTION DRUG INFORMATION CARDS. (A) ANY INSURER OR ORGANIZATION OR CORPORATION LICENSED, ORGANIZED OR CERTIFIED PURSUANT TO THIS CHAPTER OR ARTICLE FORTY-FOUR OF THE PUBLIC HEALTH LAW WHICH PROVIDES COVERAGE FOR PRESCRIPTION DRUGS OR DEVICES AND WHICH ISSUES, USES, REQUIRES, AND/OR CONTRACTS WITH OR DELEGATES TO ANOTHER ENTITY, INCLUDING, BUT NOT LIMITED TO A PHARMACY BENEFIT MANAGER, FOR THE ISSUE, USE OR REQUIREMENT OF A CARD OR OTHER TECHNOLOGY FOR CLAIMS PROCESSING, AND AN ADMINISTRATOR OF SUCH AN INSURER, ORGANIZATION OR CORPORATION INCLUDING, BUT NOT LIMITED TO, THIRD PARTY ADMINISTRATORS FOR SELF-INSURED PLANS, PHARMACY BENEFITS MANAGERS AND STATE ADMINISTERED PLANS, SHALL ISSUE, USE, REQUIRE, AND/OR CONTRACT WITH OR REQUIRE FROM THE OTHER ENTITY, INCLUDING, BUT NOT LIMITED TO A PHARMACY BENEFIT MANAGER, FOR ITS INSUREDS A UNIFORM CARD OR OTHER TECHNOLOGY CONTAINING UNIFORM PRESCRIPTION DRUG INFORMATION. THE UNIFORM PRESCRIPTION DRUG INFORMATION CARD OR TECHNOLOGY SHALL BE IN THE FORMAT APPROVED BY THE NATIONAL COUNCIL FOR PRESCRIPTION DRUG PROGRAMS (NCPDP) AND SHALL INCLUDE ALL OF THE FIELDS REQUIRED BY THE INSURER, ORGANIZATION OR CORPORATION TO SUBMIT A CLAIM AND CONFORM TO THE MOST RECENT PHARMACY INFORMATION CARD OR TECHNOLOGY IMPLEMENTATION GUIDE PRODUCED BY NCPDP OR CONFORM TO A NATIONAL FORMAT ACCEPTABLE TO THE SUPERINTENDENT. ALL INFORMATION THAT IS NECESSARY FOR CLAIMS SUBMISSION OF PRESCRIPTION DRUG BENEFITS, EXCLUSIVE OF

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

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INFORMATION PROVIDED ON THE PRESCRIPTION AS REQUIRED BY LAW OR REGULATION, SHALL BE INCLUDED IN A CLEAR, READABLE AND UNDERSTANDABLE MANNER ON THE CARD OR OTHER TECHNOLOGY ISSUED BY THE PLAN TO THE INSURED FOR CLAIMS PROCESSING. ALL INFORMATION INCLUDED ON THE CARD OR OTHER TECHNOLOGY AS REQUIRED BY THIS SECTION BUT NOT SPECIFIED BY THE NCPDP SHALL CONFORM TO A CONTENT AND FORMAT ACCEPTABLE TO THE SUPERINTENDENT. ALL INFORMATION ON THE CARD MUST BE FORMATTED AND ARRANGED IN A MANNER THAT CORRESPONDS BOTH IN CONTENT AND FORMAT TO THE CURRENT CONTENT AND FORMAT REQUIRED BY THE PLAN TO PROCESS THE CLAIM. IF AN INSURER OR ORGANIZATION OR CORPORATION LICENSED, ORGANIZED OR CERTIFIED PURSUANT TO THIS CHAPTER OR ARTICLE FORTY-FOUR OF THE PUBLIC HEALTH LAW REQUIRES A CONDITIONAL OR SITUATIONAL FIELD AS DEFINED BY THE NCPDP, IT SHALL CONFORM TO THE MOST RECENT PHARMACY INFORMATION CARD OR TECHNOLOGY IMPLEMENTATION GUIDE PRODUCED BY THE NCPDP OR CONFORM TO A NATIONAL FORMAT ACCEPTABLE TO THE SUPERINTENDENT.

(B) A NEW UNIFORM PRESCRIPTION DRUG INFORMATION CARD OR OTHER TECHNOLOGY, AS REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE ISSUED, USED, AND/OR REQUIRED BY AN INSURER OR ORGANIZATION OR CORPORATION LICENSED, ORGANIZED OR CERTIFIED PURSUANT TO THIS CHAPTER OR ARTICLE FORTY-FOUR OF THE PUBLIC HEALTH LAW, AND/OR BY THE INSURER'S, ORGANIZATION'S OR CORPORATION'S CONTRACTS WITH OR REQUIREMENT FROM THE OTHER ENTITY, INCLUDING, BUT NOT LIMITED TO, A PHARMACY BENEFIT MANAGER, UPON ENROLLMENT AND REISSUED OR REQUIRED UPON ANY CHANGE IN THE CERTIFICATE HOLDER'S COVERAGE THAT IMPACTS DATA IN CONTENT OR FORMAT AS CONTAINED ON THE CARD THAT AFFECTS THE DATA CONTENT OR FORMAT REQUIRED TO BE ON THE CARD OR OTHER TECHNOLOGY AS REQUIRED BY SUBSECTION (A) OF THIS SECTION OR UPON A CHANGE IN THE NCPDP IMPLEMENTATION GUIDE OR SUCCESSOR DOCUMENT THAT AFFECTS DATA CONTENT OR FORMAT CONTAINED ON THE CARD OR OTHER TECHNOLOGY AS REQUIRED BY SUBSECTION (A) OF THIS SECTION. NEWLY ISSUED, USED OR REQUIRED CARDS OR OTHER TECHNOLOGY SHALL BE UPDATED WITH THE LATEST COVERAGE INFORMATION AND SHALL CONFORM TO THE NCPDP STANDARDS THEN IN EFFECT AND TO THE IMPLEMENTATION GUIDE THEN IN USE OR THE FORMAT SPECIFIED BY THE SUPERINTENDENT. PROVIDED, HOWEVER, THAT ANY SUCH INSURER, ORGANIZATION OR CORPORATION OR ANY ENTITY THAT THE INSURER, ORGANIZATION OR CORPORATION CONTRACTS WITH OR REQUIRES FROM PURSUANT TO THE REQUIREMENTS OF THIS SECTION MAY ISSUE STICKERS OR OTHER METHODOLOGIES TO UPDATE CARDS TEMPORARILY AS MAY BE ACCEPTABLE TO THE SUPERINTENDENT.

(C) THE CARD OR OTHER TECHNOLOGY MAY BE USED FOR ANY AND ALL HEALTH INSURANCE COVERAGE. NOTHING IN THIS SECTION REQUIRES ANY PERSON ISSUING, USING OR REQUIRING THE CARD OR THEIR TECHNOLOGY TO ISSUE, USE OR REQUIRE A SEPARATE CARD FOR PRESCRIPTION COVERAGE, PROVIDED THAT THE CARD OR OTHER TECHNOLOGY CAN ACCOMMODATE THE INFORMATION NECESSARY TO PROCESS THE CLAIM AS REQUIRED BY SUBSECTION (A) OF THIS SECTION.

S 2. Subsection (a) of section 1109 of the insurance law, as amended by chapter 246 of the laws of 2005, is amended to read as follows:

(a) An organization complying with the provisions of article forty-four of the public health law may operate without being licensed under this chapter and without being subject to any provisions of this chapter, except: (1) to the extent that such organization must comply with the provisions of this chapter by virtue of such article, and (2) the provisions of sections three hundred eight, three hundred thirteen, three hundred thirty-two, one thousand three hundred one, one thousand three hundred two, one thousand three hundred seven, two thousand one hundred three, two thousand one hundred twelve, two thousand one hundred fourteen, two thousand one hundred fifteen, two thousand one hundred seventeen, two thousand one hundred twenty-three, two thousand six

hundred eight-a, two thousand six hundred twelve, three thousand two hundred twenty-four-a, THREE THOUSAND TWO HUNDRED FORTY, four thousand three hundred eight, four thousand three hundred seventeen, four thousand three hundred eighteen, four thousand three hundred twenty, four thousand three hundred twenty-one, four thousand three hundred twenty-two and four thousand three hundred twenty-three of this chapter.

S 3. This act shall take effect January 1, 2010 and shall apply to all policies issued, renewed, altered, or modified on or after such date.