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

6100

2009-2010 Regular Sessions

I N A S S E M B L Y

February 25, 2009

Introduced by M. of A. ENGLEBRIGHT, GABRYSZAK, PHEFFER, ALFANO, DESTITO, COLTON, JAFFEE, BROOK-KRASNY, GALEF, FIELDS, P. LOPEZ, PERRY -- Multi-Sponsored by -- M. of A. ABBATE, BARRA, GUNTHER, McDONOUGH, PAULIN, SAYWARD, SCOZZAFAVA, TITONE -- read once and referred to the Committee on Aging

AN ACT to amend the elder law, in relation to creating the pharmaceutical local choice program

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

Section 1. Article 2 of the elder law is amended by adding a new title 5 to read as follows:

TITLE 5
MISCELLANEOUS PROVISIONS

SECTION 260. PHARMACEUTICAL LOCAL CHOICE PROGRAM.

S 260. PHARMACEUTICAL LOCAL CHOICE PROGRAM. 1. ANY PROVISION OF ANY OTHER LAW TO THE CONTRARY NOTWITHSTANDING, EVERY HEALTH INSURANCE POLICY WHICH PROVIDES COVERAGE TO ANY PERSON SIXTY YEARS OF AGE OR OLDER FOR PRESCRIBED DRUGS THAT INCLUDES A REQUIREMENT THAT INSUREDS OBTAIN PRESCRIPTION DRUGS FROM A NON-RESIDENT ESTABLISHMENT, AS DEFINED IN SECTION SIXTY-EIGHT HUNDRED EIGHT-B OF THE EDUCATION LAW, SHALL ADDITIONALLY PROVIDE THAT AN INSURED MAY OBTAIN SUCH PRESCRIPTION DRUGS IN THE QUANTITY ALLOWED BY LAW AS ORDERED BY A PRESCRIBER LEGALLY AUTHORIZED TO WRITE A PRESCRIPTION, IN ANY THERAPEUTIC CATEGORY OR FOR ANY MEDICAL CONDITION WITHOUT ANY FINANCIAL DISINCENTIVE OR PENALTY FROM A PHARMACY REGISTERED WITH THE DEPARTMENT OF EDUCATION PURSUANT TO SECTION SIXTY-EIGHT HUNDRED EIGHT OF THE EDUCATION LAW WHICH, INSOFAR AS REASONABLE, SHALL BE LOCATED AND ACCESSIBLE IN THE LOCAL COMMUNITY OF THE INSURED AND WHICH SHALL BE A PHARMACY UNDER CONTRACT TO PROVIDE PRESCRIPTION DRUGS FOR THE INSURED. FOR PURPOSES OF THIS SECTION, THE TERM "HEALTH INSURANCE POLICY" SHALL MEAN AND INCLUDE ANY POLICY OF

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

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ACCIDENT AND HEALTH INSURANCE DELIVERED OR ISSUED FOR DELIVERY IN THIS STATE, AS DESCRIBED IN SUBSECTION (I) OF SECTION THREE THOUSAND TWO HUNDRED SIXTEEN OF THE INSURANCE LAW, TO ANY PERSON SIXTY YEARS OF AGE OR OLDER AND ANY GROUP OR BLANKET POLICY DELIVERED OR ISSUED FOR DELIVERY IN THIS STATE, AS DESCRIBED IN SECTION THREE THOUSAND TWO HUNDRED TWENTY-ONE OF THE INSURANCE LAW TO ANY PERSON SIXTY YEARS OF AGE OR OLDER.

2. THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION (A) SHALL NOT APPLY TO HEALTH INSURANCE POLICIES THE PROVISIONS OF WHICH ARE SUBJECT TO COLLECTIVE BARGAINING AGREEMENTS WHICH ARE IN CONTRADICTION TO THE REQUIREMENTS OF SUCH SUBDIVISION OR WHICH ARE PREEMPTED BY ANY FEDERAL LAW, RULE OR OTHER REGULATION; (B) SHALL ONLY APPLY TO POLICIES AND CONTRACTS ISSUED, RENEWED, MODIFIED, ALTERED OR AMENDED ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION; AND (C) SHALL NOT IMPOSE OR REQUIRE ANY OTHER DIFFERENCES IN TREATMENT FOR THE USE OF SUCH LOCAL PHARMACY WITH RESPECT TO CO-PAYMENTS OR QUANTITY LIMITATIONS OR OTHER SIMILAR PAYMENTS OR LIMITATIONS.

S 2. This act shall take effect July 1, 2009.