

7709

2009-2010 Regular Sessions

I N A S S E M B L Y

April 22, 2009

Introduced by M. of A. P. RIVERA, COLTON, COOK, BRADLEY, MILLMAN, CLARK, PEOPLES, POWELL, PERALTA -- Multi-Sponsored by -- M. of A. BRENNAN, CHRISTENSEN, CUSICK, DIAZ, FARRELL, GIANARIS, GLICK -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to coverage for single source drugs

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

1 Section 1. Subsection (i) of section 3216 of the insurance law is
2 amended by adding a new paragraph 26 to read as follows:
3 (26) EVERY INDIVIDUAL POLICY WHICH PROVIDES COVERAGE FOR PRESCRIPTION
4 DRUGS SHALL ENSURE THAT THERE IS CONTINUOUS COVERAGE OF A SINGLE SOURCE
5 DRUG THAT IS PART OF A PRESCRIBED THERAPY UNTIL SUCH PRESCRIBED THERAPY
6 IS NO LONGER MEDICALLY NECESSARY FOR ANY COVERED PERSON UNDER SUCH POLI-
7 CY. FOR THE PURPOSES OF THIS PARAGRAPH, "DRUG" SHALL MEAN ANY
8 PRESCRIPTION DRUG THAT HAS BEEN APPROVED AS SAFE AND EFFECTIVE BY THE
9 FEDERAL FOOD AND DRUG ADMINISTRATION, OR IS OTHERWISE LEGALLY MARKETED
10 IN THE UNITED STATES INCLUDING ANY MECHANICAL DEVICE THAT IS NEEDED TO
11 APPLY SUCH PRESCRIPTION DRUG SUCH AS INSULIN, SYRINGES AND NEEDLES.
12 S 2. Subsection (k) of section 3221 of the insurance law is amended by
13 adding a new paragraph 15 to read as follows:
14 (15) EVERY GROUP POLICY WHICH PROVIDES COVERAGE FOR PRESCRIPTION DRUGS
15 SHALL ENSURE THAT THERE IS CONTINUOUS COVERAGE OF A SINGLE SOURCE DRUG
16 THAT IS PART OF A PRESCRIBED THERAPY UNTIL SUCH PRESCRIBED THERAPY IS NO
17 LONGER MEDICALLY NECESSARY FOR ANY COVERED PERSON UNDER SUCH POLICY.
18 FOR THE PURPOSES OF THIS PARAGRAPH, "DRUG" SHALL MEAN ANY PRESCRIPTION
19 DRUG THAT HAS BEEN APPROVED AS SAFE AND EFFECTIVE BY THE FEDERAL FOOD
20 AND DRUG ADMINISTRATION, OR IS OTHERWISE LEGALLY MARKETED IN THE UNITED
21 STATES INCLUDING ANY MECHANICAL DEVICE THAT IS NEEDED TO APPLY SUCH
22 PRESCRIPTION DRUG SUCH AS INSULIN, SYRINGES AND NEEDLES.

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

LBD10356-01-9

1 S 3. Section 4303 of the insurance law is amended by adding a new
2 subsection (ff) to read as follows:

3 (FF) EVERY CONTRACT ISSUED BY A HEALTH SERVICE CORPORATION OR A
4 MEDICAL EXPENSE INDEMNITY CORPORATION WHICH PROVIDES COVERAGE FOR
5 PRESCRIPTION DRUGS SHALL ENSURE THAT THERE IS CONTINUOUS COVERAGE OF A
6 SINGLE SOURCE DRUG THAT IS PART OF A PRESCRIBED THERAPY UNTIL SUCH
7 PRESCRIBED THERAPY IS NO LONGER MEDICALLY NECESSARY FOR ANY COVERED
8 PERSON UNDER SUCH POLICY. FOR THE PURPOSES OF THIS SUBSECTION, "DRUG"
9 SHALL MEAN ANY PRESCRIPTION DRUG THAT HAS BEEN APPROVED AS SAFE AND
10 EFFECTIVE BY THE FEDERAL FOOD AND DRUG ADMINISTRATION, OR IS OTHERWISE
11 LEGALLY MARKETED IN THE UNITED STATES INCLUDING ANY MECHANICAL DEVICE
12 THAT IS NEEDED TO APPLY SUCH PRESCRIPTION DRUG SUCH AS INSULIN, SYRINGES
13 AND NEEDLES.

14 S 4. This act shall take effect on the first of the calendar month
15 next succeeding the sixtieth day after it shall have become a law, and
16 shall apply only to policies and contracts issued, renewed or amended on
17 or after the effective date of this act.