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

423

2009-2010 Regular Sessions

I N  S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. BRESLIN -- 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 prohibiting drug switching payments

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

Section 1. Section 3217-b of the insurance law is amended by adding a new subsection (i) to read as follows:

(I) NO CONTRACT OR AGREEMENT BETWEEN AN INSURER SUBJECT TO THIS ARTICLE AND A HEALTH CARE PROVIDER SHALL INCLUDE ANY INCENTIVE PLAN THAT INCLUDES A SPECIFIC PAYMENT TO THE HEALTH CARE PROVIDER AS AN INDUCEMENT TO CHANGE A PRESCRIPTION FOR A DRUG OR MEDICAL PRODUCT ISSUED TO A COVERED PERSON FROM ONE SPECIFIC DRUG OR MEDICAL PRODUCT TO ANOTHER. NOTHING IN THIS SUBSECTION SHALL PROHIBIT INCENTIVE PLANS THAT DO NOT MAKE REFERENCE TO ANY SPECIFIC PRESCRIPTION DRUG OR MEDICAL PRODUCT. IN THE EVENT OF A VIOLATION OF THIS SUBSECTION, THE SUPERINTENDENT IS AUTHORIZED TO IMPOSE A FINE ON SUCH INSURER IN AN AMOUNT OF TEN THOUSAND DOLLARS PER VIOLATION.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.

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

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