

5183--D

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I N A S S E M B L Y

February 14, 2011

Introduced by M. of A. SIMOTAS, HEVESI, BENEDETTO, COLTON, MONTESANO, ROBERTS, GUNTHER, REILLY, GALEF, STEVENSON, GIBSON, MENG, SCHIMEL, CASTELLI, RAI, MURRAY, BURLING, WEPRIN, TITUS, LAVINE, PERRY, ZEBROWSKI, HOOPER, ROSENTHAL, TITONE -- Multi-Sponsored by -- M. of A. BRAUNSTEIN, BRENNAN, CALHOUN, COOK, CROUCH, DUPREY, GABRYSAK, GLICK, HEASTIE, KATZ, LATIMER, MAGEE, MARKEY, SALADINO, SAYWARD -- read once and referred to the Committee on Labor -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading -- again amended on third reading, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the workers' compensation law, in relation to prescription prices and pharmacies for injured employees

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

1 Section 1. Paragraph 5 of subdivision (i) of section 13 of the work-
2 ers' compensation law, as added by chapter 6 of the laws of 2007, is
3 amended and a new paragraph 6 is added to read as follows:
4 (5) [Notwithstanding any other provision of this chapter, if] IF an
5 employer or carrier has contracted with a pharmacy to provide prescribed
6 medicine to claimants, then such employer or carrier may require claim-
7 ants to obtain all prescribed medicines from the pharmacy with which it
8 has contracted, except if a medical emergency occurs and it would not be
9 reasonably possible to obtain immediately required prescribed medicine
10 from the pharmacy with which the employer or carrier has a contract. An
11 employer or carrier that requires claimants to obtain prescribed medi-
12 cines from a pharmacy with which it has a contract must notify claimants
13 of the pharmacy or pharmacies with which it has a contract, the

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

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1 locations and addresses of the pharmacy or pharmacies, if applicable,
2 how to initially fill and refill prescriptions through the mail, inter-
3 net, telephone or other means, and any other required information that
4 must be supplied to the pharmacy or pharmacies. If the pharmacy or phar-
5 macies with which the employer or carrier contracts does not offer mail
6 order service and does not have a physical location within a reasonable
7 distance from the claimant, as defined by regulation of the board, the
8 claimant may obtain prescribed medicines at the pharmacy or pharmacies
9 of his or her choice and the employer or carrier will be liable for such
10 charges in accordance with the fee schedule prescribed in section thir-
11 teen-o of this [chapter] ARTICLE.

12 (6) NOTWITHSTANDING PARAGRAPH FIVE OF THIS SUBDIVISION, AN EMPLOYER OR
13 CARRIER SHALL BE PROHIBITED FROM REFUSING TO ALLOW A CLAIMANT TO UTILIZE
14 A PHARMACY OF HIS OR HER CHOICE TO FURNISH THE PRESCRIBED MEDICATIONS
15 REQUIRED BY THE CLAIMANT AS LONG AS SUCH PHARMACY'S CHARGES ARE BELOW
16 THE PHARMACEUTICAL FEE SCHEDULE ADOPTED BY THE CHAIR.

17 S 2. This act shall take effect on the one hundred eightieth day after
18 it shall have become a law.