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I N   A S S E M B L Y

(PREFILED)

January 4, 2012

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Introduced by M. of A. HEASTIE, COLTON -- read once and referred to the  
Committee on Insurance

AN ACT to amend the insurance law, in relation to the purchase of  
prescription drugs

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

1     Section 1. Paragraph 28 of subsection (i) of section 3216 of the  
2 insurance law, as added by chapter 597 of the laws of 2011, is amended  
3 to read as follows:  
4     (28) Any policy [which] THAT provides coverage for prescription drugs  
5 shall permit each [participant] INSURED to fill any [mail order] covered  
6 prescription THAT MAY BE OBTAINED AT A NETWORK PARTICIPATING MAIL ORDER  
7 OR OTHER NON-RETAIL PHARMACY, at [his or her] THE INSURED'S option, at  
8 [any mail order pharmacy or] A network participating non-mail order  
9 retail pharmacy [if the network participating non-mail order retail  
10 pharmacy offers to accept a price that is comparable to that of the mail  
11 order pharmacy] PROVIDED THAT THE NETWORK PARTICIPATING NON-MAIL ORDER  
12 RETAIL PHARMACY AGREES IN ADVANCE, THROUGH A CONTRACTUAL NETWORK AGREE-  
13 MENT, TO THE SAME REIMBURSEMENT AMOUNT, AS WELL AS THE SAME APPLICABLE  
14 TERMS AND CONDITIONS, THAT THE INSURER HAS ESTABLISHED FOR THE NETWORK  
15 PARTICIPATING MAIL ORDER OR OTHER NON-RETAIL PHARMACY. [Any policy  
16 which provides coverage for prescription drugs] IN SUCH A CASE, THE  
17 POLICY shall not impose a co-payment fee or other condition on any  
18 insured who elects to purchase PRESCRIPTION drugs from a network partic-  
19 ipating non-mail order retail pharmacy which is not also imposed on  
20 insureds electing to purchase drugs from a [designated] NETWORK PARTIC-  
21 IPATING mail order OR OTHER NON-RETAIL pharmacy[; provided, however,  
22 that the provisions of this section shall not supersede the terms of a  
23 collective bargaining agreement or apply to a policy that is the result  
24 of a collective bargaining agreement between an employer and a recog-  
25 nized or certified employee organization].

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

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1 S 2. Paragraph 18 of subsection (1) of section 3221 of the insurance  
2 law, as added by chapter 597 of the laws of 2011, is amended to read as  
3 follows:

4 (18) Any insurer delivering a group or blanket policy or issuing a  
5 group or blanket policy for delivery in this state [which] THAT provides  
6 coverage for prescription drugs shall permit each [participant] INSURED  
7 to fill any [mail order] covered prescription THAT MAY BE OBTAINED AT A  
8 NETWORK PARTICIPATING MAIL ORDER OR OTHER NON-RETAIL PHARMACY, at [his  
9 or her] THE INSURED'S option, at [any mail order pharmacy or] A network  
10 participating non-mail order retail pharmacy [if the network participat-  
11 ing non-mail order retail pharmacy offers to accept a price that is  
12 comparable to that of the mail order pharmacy] PROVIDED THAT THE NETWORK  
13 PARTICIPATING NON-MAIL ORDER RETAIL PHARMACY AGREES IN ADVANCE, THROUGH  
14 A CONTRACTUAL NETWORK AGREEMENT, TO THE SAME REIMBURSEMENT AMOUNT, AS  
15 WELL AS THE SAME APPLICABLE TERMS AND CONDITIONS, THAT THE INSURER HAS  
16 ESTABLISHED FOR THE NETWORK PARTICIPATING MAIL ORDER OR OTHER NON-RETAIL  
17 PHARMACY. [Any policy which provides coverage for prescription drugs]  
18 IN SUCH A CASE, THE POLICY shall not impose a co-payment fee or other  
19 condition on any insured who elects to purchase drugs from a network  
20 participating non-mail order retail pharmacy which is not also imposed  
21 on insureds electing to purchase drugs from a [designated] NETWORK  
22 PARTICIPATING mail order OR OTHER NON-RETAIL pharmacy; provided, howev-  
23 er, that the provisions of this section shall not supersede the terms of  
24 a collective bargaining agreement or apply to a policy that is the  
25 result of a collective bargaining agreement between an employer and a  
26 recognized or certified employee organization.

27 S 3. Subsection (hh) of section 4303 of the insurance law, as added by  
28 chapter 597 of the laws of 2011, is amended to read as follows:

29 (hh) Any [policy] CONTRACT issued by a medical expense indemnity  
30 corporation, a hospital service corporation or a health services corpo-  
31 ration [which] THAT provides coverage for prescription drugs shall  
32 permit each [participant] COVERED PERSON to fill any [mail order]  
33 covered prescription THAT MAY BE OBTAINED AT A NETWORK PARTICIPATING  
34 MAIL ORDER OR OTHER NON-RETAIL PHARMACY, at [his or her] THE COVERED  
35 PERSON'S option, at [any mail order pharmacy or] A network participating  
36 non-mail order retail pharmacy [if the network participating non-mail  
37 order retail pharmacy offers to accept a price that is comparable to  
38 that of the mail order pharmacy] PROVIDED THAT THE NETWORK PARTICIPATING  
39 NON-MAIL ORDER RETAIL PHARMACY AGREES IN ADVANCE, THROUGH A CONTRACTUAL  
40 NETWORK AGREEMENT, TO THE SAME REIMBURSEMENT AMOUNT, AS WELL AS THE SAME  
41 APPLICABLE TERMS AND CONDITIONS, THAT THE CORPORATION HAS ESTABLISHED  
42 FOR THE NETWORK PARTICIPATING MAIL ORDER OR OTHER NON-RETAIL PHARMACY.  
43 [Any policy which provides coverage for prescription drugs] IN SUCH A  
44 CASE, THE CONTRACT shall not impose a copayment fee or other condition  
45 on any [insured] COVERED PERSON who elects to purchase drugs from a  
46 network participating non-mail order retail pharmacy which is not also  
47 imposed on [insureds] COVERED PERSONS electing to purchase drugs from a  
48 [designated] NETWORK PARTICIPATING mail order OR OTHER NON-RETAIL phar-  
49 macy; provided, however, that the provisions of this section shall not  
50 supersede the terms of a collective bargaining agreement or apply to a  
51 [policy] CONTRACT that is the result of a collective bargaining agree-  
52 ment between an employer and a recognized or certified employee organ-  
53 ization.

54 S 4. This act shall take effect on the same date and in the same  
55 manner as chapter 597 of the laws of 2011, takes effect.