

5183--C

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I N   A S S E M B L Y

February 14, 2011

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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

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 two new paragraphs 6 and 7 are 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  
14    locations and addresses of the pharmacy or pharmacies, if applicable,

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

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

11 (6) NOTWITHSTANDING PARAGRAPH FIVE OF THIS SUBDIVISION, AN EMPLOYER OR  
12 CARRIER SHALL BE PROHIBITED FROM REFUSING TO ALLOW A CLAIMANT TO UTILIZE  
13 A PHARMACY OF HIS OR HER CHOICE TO FURNISH THE PRESCRIBED MEDICATIONS  
14 REQUIRED BY THE CLAIMANT AS LONG AS SUCH PHARMACY'S CHARGES COMPLY WITH  
15 THE PUBLISHED PRICES.

16 (7) NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, THE INITIAL  
17 FILL OF A PRESCRIPTION MEDICINE IN CONNECTION WITH A CLAIM FOR BENEFITS  
18 UNDER THIS SUBDIVISION SHALL NOT CONTAIN A SUPPLY OF SUCH MEDICINE FOR A  
19 PERIOD OF LONGER THAN FOURTEEN DAYS. FOR THE PURPOSES OF THIS PARAGRAPH,  
20 "INITIAL FILL" SHALL BE DEFINED AS A PRESCRIPTION OR A COMBINATION OF  
21 PRESCRIPTIONS FOR MEDICATION ISSUED BY AN AUTHORIZED MEDICAL PROVIDER AT  
22 THE TIME OF DISCOVERY OF INJURY OR ILLNESS BUT SHALL NOT INCLUDE  
23 PRESCRIPTIONS THAT MAY BE WRITTEN SEVENTY-TWO HOURS OR MORE FROM THE  
24 TIME OF INITIAL MEDICAL CARE.

25 S 2. This act shall take effect immediately.