

8900

I N A S S E M B L Y

(PREFILED)

January 4, 2012

Introduced by M. of A. SILVER -- 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 ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Paragraph 13-a of subsection (i) of section 3216 of the
2 insurance law, as added by Chapter 598 of the laws of 2011, is amended
3 to read as follows:

4 (13-a) Every policy that provides coverage for prescription fertility
5 drugs and requires or permits prescription drugs to be purchased through
6 a NETWORK PARTICIPATING mail order OR OTHER NON-RETAIL pharmacy shall
7 provide the same coverage for prescription fertility drugs when such
8 drugs are purchased from a NETWORK PARTICIPATING NON-MAIL ORDER RETAIL
9 pharmacy [that is not a mail order pharmacy] PROVIDED THAT THE NETWORK
10 PARTICIPATING NON-MAIL ORDER RETAIL PHARMACY AGREES IN ADVANCE THROUGH A
11 CONTRACTUAL NETWORK AGREEMENT, TO THE SAME REIMBURSEMENT AMOUNT, AS WELL
12 AS THE SAME APPLICABLE TERMS AND CONDITIONS, THAT THE INSURER HAS ESTAB-
13 LISHED FOR A NETWORK PARTICIPATING MAIL ORDER OR OTHER NON-RETAIL PHAR-
14 MACY. [Such] IN SUCH CASE, THE policy shall not impose any [additional]
15 fee, co-payment, co-insurance, deductible or other condition on any
16 insured who [does not elect] ELECTS to purchase prescription fertility
17 drugs through a [mail order] NETWORK PARTICIPATING NON-MAIL ORDER RETAIL
18 pharmacy THAT IT DOES NOT IMPOSE ON ANY INSURED WHO PURCHASES
19 PRESCRIPTION FERTILITY DRUGS THROUGH A NETWORK PARTICIPATING MAIL ORDER
20 OR OTHER NON-RETAIL PHARMACY.

21 S 2. Subparagraph (D) of paragraph 6 of subsection (k) of section 3221
22 of the insurance law, as added by Chapter 598 of the laws of 2011, is
23 amended to read as follows:

24 (D) Every policy that provides coverage for prescription fertility
25 drugs and requires or permits prescription drugs to be purchased through
26 a NETWORK PARTICIPATING mail order OR OTHER NON-RETAIL pharmacy shall
27 provide the same coverage for prescription fertility drugs when such

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

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1 drugs are purchased from a NETWORK PARTICIPATING NON-MAIL ORDER RETAIL
2 pharmacy [that is not a mail order pharmacy] PROVIDED THAT THE NETWORK
3 PARTICIPATING NON-MAIL ORDER RETAIL PHARMACY AGREES IN ADVANCE THROUGH A
4 CONTRACTUAL NETWORK AGREEMENT, TO THE SAME REIMBURSEMENT AMOUNT, AS WELL
5 AS THE SAME APPLICABLE TERMS AND CONDITIONS, THAT THE INSURER HAS ESTAB-
6 LISHED FOR A NETWORK PARTICIPATING MAIL ORDER OR OTHER NON-RETAIL PHAR-
7 MACY. [Such] IN SUCH CASE, THE policy shall not impose any [additional]
8 fee, co-payment, co-insurance, deductible or other condition on any
9 covered person who [does not elect] ELECTS to purchase prescription
10 fertility drugs through a [mail order] NETWORK PARTICIPATING NON-MAIL
11 ORDER RETAIL pharmacy THAT IT DOES NOT IMPOSE ON ANY COVERED PERSON WHO
12 PURCHASES PRESCRIPTION FERTILITY DRUGS THROUGH A NETWORK PARTICIPATING
13 MAIL ORDER OR OTHER NON-RETAIL PHARMACY; PROVIDED, HOWEVER, THAT THE
14 PROVISIONS OF THIS SECTION SHALL NOT SUPERSEDE THE TERMS OF A COLLECTIVE
15 BARGAINING AGREEMENT OR APPLY TO A POLICY THAT IS THE RESULT OF A
16 COLLECTIVE BARGAINING AGREEMENT BETWEEN AN EMPLOYER AND A RECOGNIZED OR
17 CERTIFIED EMPLOYEE ORGANIZATION.

18 S 3. Paragraph 4 of subsection (s) of section 4303 of the insurance
19 law, as added by Chapter 598 of the laws of 2011, is amended to read as
20 follows:

21 (4) Every [policy] CONTRACT issued by a medical expense indemnity
22 corporation, a hospital service corporation or a health services corpo-
23 ration that provides coverage for prescription fertility drugs and
24 requires or permits prescription drugs to be purchased through a NETWORK
25 PARTICIPATING mail order OR OTHER NON-RETAIL pharmacy shall provide the
26 same coverage for prescription fertility drugs when such drugs are
27 purchased from a NETWORK PARTICIPATING NON-MAIL ORDER RETAIL pharmacy
28 [that is not a mail order pharmacy] PROVIDED THAT THE NETWORK PARTIC-
29 IPATING NON-MAIL ORDER RETAIL PHARMACY AGREES IN ADVANCE, THROUGH A
30 CONTRACTUAL NETWORK AGREEMENT, TO THE SAME REIMBURSEMENT AMOUNT, AS WELL
31 AS THE SAME APPLICABLE TERMS AND CONDITIONS, THAT THE CORPORATION HAS
32 ESTABLISHED FOR THE NETWORK PARTICIPATING MAIL ORDER OR OTHER NON-RETAIL
33 PHARMACY. [Such policy] IN SUCH CASE, THE CONTRACT shall not impose any
34 [additional] fee, co-payment, co-insurance, deductible or other condi-
35 tion on any covered person who does not elect to purchase prescription
36 fertility drugs through a NETWORK PARTICIPATING mail order OR OTHER
37 NON-RETAIL pharmacy; PROVIDED, HOWEVER, THAT THE PROVISIONS OF THIS
38 SECTION SHALL NOT SUPERSEDE THE TERMS OF A COLLECTIVE BARGAINING AGREE-
39 MENT OR APPLY TO A CONTRACT THAT IS THE RESULT OF A COLLECTIVE BARGAIN-
40 ING AGREEMENT BETWEEN AN EMPLOYER AND A RECOGNIZED OR CERTIFIED EMPLOYEE
41 ORGANIZATION.

42 S 4. This act shall take effect on the same date and in the same
43 manner as section 5 of chapter 598 of the laws of 2011, takes effect.