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

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:

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

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

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

(D) Every policy that provides coverage for prescription fertility drugs and requires or permits prescription drugs to be purchased through a NETWORK PARTICIPATING mail order OR OTHER NON-RETAIL pharmacy shall 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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drugs are purchased from a NETWORK PARTICIPATING NON-MAIL ORDER RETAIL pharmacy [that is not a mail order pharmacy] PROVIDED THAT THE NETWORK PARTICIPATING NON-MAIL ORDER RETAIL PHARMACY AGREES IN ADVANCE THROUGH A CONTRACTUAL NETWORK AGREEMENT, TO THE SAME REIMBURSEMENT AMOUNT, AS WELL AS THE SAME APPLICABLE TERMS AND CONDITIONS, THAT THE INSURER HAS ESTABLISHED FOR A NETWORK PARTICIPATING MAIL ORDER OR OTHER NON-RETAIL PHARMACY. [Such] IN SUCH CASE, THE policy shall not impose any [additional] fee, co-payment, co-insurance, deductible or other condition on any covered person who [does not elect] ELECTS to purchase prescription fertility drugs through a [mail order] NETWORK PARTICIPATING NON-MAIL ORDER RETAIL pharmacy THAT IT DOES NOT IMPOSE ON ANY COVERED PERSON WHO PURCHASES PRESCRIPTION FERTILITY DRUGS THROUGH A NETWORK PARTICIPATING MAIL ORDER OR OTHER NON-RETAIL PHARMACY; PROVIDED, HOWEVER, THAT THE PROVISIONS OF THIS SECTION SHALL NOT SUPERSEDE THE TERMS OF A COLLECTIVE BARGAINING AGREEMENT OR APPLY TO A POLICY THAT IS THE RESULT OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN AN EMPLOYER AND A RECOGNIZED OR CERTIFIED EMPLOYEE ORGANIZATION.

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

(4) Every [policy] CONTRACT issued by a medical expense indemnity corporation, a hospital service corporation or a health services corporation that provides coverage for prescription fertility drugs and requires or permits prescription drugs to be purchased through a NETWORK PARTICIPATING mail order OR OTHER NON-RETAIL pharmacy shall provide the same coverage for prescription fertility drugs when such drugs are purchased from a NETWORK PARTICIPATING NON-MAIL ORDER RETAIL pharmacy [that is not a mail order pharmacy] PROVIDED THAT THE NETWORK PARTICIPATING NON-MAIL ORDER RETAIL PHARMACY AGREES IN ADVANCE, THROUGH A CONTRACTUAL NETWORK AGREEMENT, TO THE SAME REIMBURSEMENT AMOUNT, AS WELL AS THE SAME APPLICABLE TERMS AND CONDITIONS, THAT THE CORPORATION HAS ESTABLISHED FOR THE NETWORK PARTICIPATING MAIL ORDER OR OTHER NON-RETAIL PHARMACY. [Such policy] IN SUCH CASE, THE CONTRACT shall not impose any [additional] fee, co-payment, co-insurance, deductible or other condition on any covered person who does not elect to purchase prescription fertility drugs through a NETWORK PARTICIPATING mail order OR OTHER NON-RETAIL pharmacy; PROVIDED, HOWEVER, THAT THE PROVISIONS OF THIS SECTION SHALL NOT SUPERSEDE THE TERMS OF A COLLECTIVE BARGAINING AGREEMENT OR APPLY TO A CONTRACT THAT IS THE RESULT OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN AN EMPLOYER AND A RECOGNIZED OR CERTIFIED EMPLOYEE ORGANIZATION.

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