

5493

2013-2014 Regular Sessions

I N A S S E M B L Y

February 28, 2013

Introduced by M. of A. ENGLEBRIGHT, GABRYSZAK, COLTON, JAFFEE, BROOK-KRASNY, GALEF, PERRY -- Multi-Sponsored by -- M. of A. ABBATE, GUNTHER, P. LOPEZ, McDONOUGH, PAULIN, TITONE -- read once and referred to the Committee on Aging

AN ACT to amend the elder law, in relation to creating the pharmaceutical local choice program

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

1 Section 1. Article 2 of the elder law is amended by adding a new title  
2 5 to read as follows:

3 TITLE 5  
4 MISCELLANEOUS PROVISIONS

5 SECTION 260. PHARMACEUTICAL LOCAL CHOICE PROGRAM.

6 S 260. PHARMACEUTICAL LOCAL CHOICE PROGRAM. 1. ANY PROVISION OF ANY  
7 OTHER LAW TO THE CONTRARY NOTWITHSTANDING, EVERY HEALTH INSURANCE POLICY  
8 WHICH PROVIDES COVERAGE TO ANY PERSON SIXTY YEARS OF AGE OR OLDER FOR  
9 PRESCRIBED DRUGS THAT INCLUDES A REQUIREMENT THAT INSURED OBTAIN  
10 PRESCRIPTION DRUGS FROM A NON-RESIDENT ESTABLISHMENT, AS DEFINED IN  
11 SECTION SIXTY-EIGHT HUNDRED EIGHT-B OF THE EDUCATION LAW, SHALL ADDI-  
12 TIONALLY PROVIDE THAT AN INSURED MAY OBTAIN SUCH PRESCRIPTION DRUGS IN  
13 THE QUANTITY ALLOWED BY LAW AS ORDERED BY A PRESCRIBER LEGALLY AUTHOR-  
14 IZED TO WRITE A PRESCRIPTION, IN ANY THERAPEUTIC CATEGORY OR FOR ANY  
15 MEDICAL CONDITION WITHOUT ANY FINANCIAL DISINCENTIVE OR PENALTY FROM A  
16 PHARMACY REGISTERED WITH THE DEPARTMENT OF EDUCATION PURSUANT TO SECTION  
17 SIXTY-EIGHT HUNDRED EIGHT OF THE EDUCATION LAW WHICH, INsofar AS REASON-  
18 ABLE, SHALL BE LOCATED AND ACCESSIBLE IN THE LOCAL COMMUNITY OF THE  
19 INSURED AND WHICH SHALL BE A PHARMACY UNDER CONTRACT TO PROVIDE  
20 PRESCRIPTION DRUGS FOR THE INSURED. FOR PURPOSES OF THIS SECTION, THE  
21 TERM "HEALTH INSURANCE POLICY" SHALL MEAN AND INCLUDE ANY POLICY OF  
22 ACCIDENT AND HEALTH INSURANCE DELIVERED OR ISSUED FOR DELIVERY IN THIS

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

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1 STATE, AS DESCRIBED IN SUBSECTION (I) OF SECTION THREE THOUSAND TWO  
2 HUNDRED SIXTEEN OF THE INSURANCE LAW, TO ANY PERSON SIXTY YEARS OF AGE  
3 OR OLDER AND ANY GROUP OR BLANKET POLICY DELIVERED OR ISSUED FOR DELIV-  
4 ERY IN THIS STATE, AS DESCRIBED IN SECTION THREE THOUSAND TWO HUNDRED  
5 TWENTY-ONE OF THE INSURANCE LAW TO ANY PERSON SIXTY YEARS OF AGE OR  
6 OLDER.

7 2. THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION (A) SHALL NOT  
8 APPLY TO HEALTH INSURANCE POLICIES THE PROVISIONS OF WHICH ARE SUBJECT  
9 TO COLLECTIVE BARGAINING AGREEMENTS WHICH ARE IN CONTRADICTION TO THE  
10 REQUIREMENTS OF SUCH SUBDIVISION OR WHICH ARE PREEMPTED BY ANY FEDERAL  
11 LAW, RULE OR OTHER REGULATION; (B) SHALL ONLY APPLY TO POLICIES AND  
12 CONTRACTS ISSUED, RENEWED, MODIFIED, ALTERED OR AMENDED ON OR AFTER THE  
13 EFFECTIVE DATE OF THIS SECTION; AND (C) SHALL NOT IMPOSE OR REQUIRE ANY  
14 OTHER DIFFERENCES IN TREATMENT FOR THE USE OF SUCH LOCAL PHARMACY WITH  
15 RESPECT TO CO-PAYMENTS OR QUANTITY LIMITATIONS OR OTHER SIMILAR PAYMENTS  
16 OR LIMITATIONS.

17 S 2. This act shall take effect July 1, 2013.