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

10290--A

I N A S S E M B L Y

May 20, 2016

Introduced by M. of A. JOYNER, McDONALD, SKOUFIS -- Multi-Sponsored by -- M. of A. ENGLEBRIGHT -- read once and referred to the Committee on Insurance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law, in relation to coverage of prescriptions obtained by mail order or at a non-retail pharmacy

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

Section 1. The opening paragraph of paragraph 28 of subsection (i) of section 3216 of the insurance law, as added by chapter 589 of the laws of 2011, is designated subparagraph (A) and a new subparagraph (B) is added to read as follows:

(B) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PARAGRAPH, IF A PRESCRIBER, AFTER CONSULTING WITH THE INSURER REGARDING THE APPROPRIATENESS OF MAIL ORDER DELIVERY GIVEN: (I) THE RESIDENCE OR DELIVERY LOCATION OF THE INSURED; (II) THE MEDICAL CONDITION OF THE INSURED; (III) THE STORAGE REQUIREMENTS OF THE DRUG; (IV) THE AVAILABILITY OF THE INSURED TO RECEIVE THE PRESCRIPTION; OR (V) THE INSURED'S ABILITY TO COMPREHEND PHARMACEUTICAL GUIDANCE AND SUPPORT OVER THE TELEPHONE, DETERMINES THAT A DRUG AS PRESCRIBED ON AN INDIVIDUAL BASIS IS MOST APPROPRIATELY FILLED AT A RETAIL LOCATION, PROVIDED THAT AN IN-NETWORK RETAIL PHARMACY OF THE PATIENT'S CHOOSING AGREES TO THE SAME REIMBURSEMENT AMOUNT AND IS ABLE TO FILL THE PRESCRIPTION, THE PRESCRIBER'S DETERMINATION SHALL BE FINAL.

S 2. The opening paragraph of paragraph 18 of subsection (1) of section 3221 of the insurance law is designated subparagraph (A) and a new subparagraph (B) is added to read as follows:

(B) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PARAGRAPH, IF A PRESCRIBER, AFTER CONSULTING WITH THE INSURER REGARDING THE APPROPRIATENESS OF MAIL ORDER DELIVERY GIVEN: (I) THE RESIDENCE OR DELIVERY LOCATION OF THE INSURED; (II) THE MEDICAL CONDITION OF THE INSURED; (III) THE STORAGE REQUIREMENTS OF THE DRUG; (IV) THE AVAILABILITY OF THE INSURED TO RECEIVE THE PRESCRIPTION; OR (V) THE INSURED'S ABILITY TO COMPREHEND PHARMACEUTICAL GUIDANCE AND SUPPORT OVER THE TELEPHONE, DETERMINES THAT A DRUG AS PRESCRIBED ON AN INDIVIDUAL BASIS IS MOST APPROPRIATELY FILLED

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

LBD15123-07-6

AT A RETAIL LOCATION, PROVIDED THAT AN IN-NETWORK RETAIL PHARMACY OF THE PATIENT'S CHOOSING AGREES TO THE SAME REIMBURSEMENT AMOUNT AND IS ABLE TO FILL THE PRESCRIPTION, THE PRESCRIBER'S DETERMINATION SHALL BE FINAL.

S 3. The opening paragraph of subsection (kk) of section 4303 of the insurance law is designated paragraph 1 and a new paragraph 2 is added to read as follows:

(2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBSECTION, IF A PRESCRIBER, AFTER CONSULTING WITH THE INSURER REGARDING THE APPROPRIATENESS OF MAIL ORDER DELIVERY GIVEN: (A) THE RESIDENCE OR DELIVERY LOCATION OF THE COVERED PERSON; (B) THE MEDICAL CONDITION OF THE COVERED PERSON; (C) THE STORAGE REQUIREMENTS OF THE DRUG; (D) THE AVAILABILITY OF THE COVERED PERSON TO RECEIVE THE PRESCRIPTION; OR (E) THE COVERED PERSON'S ABILITY TO COMPREHEND PHARMACEUTICAL GUIDANCE AND SUPPORT OVER THE TELEPHONE, DETERMINES THAT A DRUG AS PRESCRIBED ON AN INDIVIDUAL BASIS IS MOST APPROPRIATELY FILLED AT A RETAIL LOCATION, PROVIDED THAT AN IN-NETWORK RETAIL PHARMACY OF THE PATIENT'S CHOOSING AGREES TO THE SAME REIMBURSEMENT AMOUNT AND IS ABLE TO FILL THE PRESCRIPTION, THE PRESCRIBER'S DETERMINATION SHALL BE FINAL.

S 4. This act shall take effect immediately.