

5382

2015-2016 Regular Sessions

I N   S E N A T E

May 14, 2015

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Introduced by Sen. MARTINS -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

AN ACT to amend the insurance law, in relation to prescription drug formulary changes during a contract year

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

1     Section 1. The insurance law is amended by adding a new section 4909  
2     to read as follows:  
3     S 4909. PRESCRIPTION DRUG FORMULARY CHANGES. (A) A HEALTH CARE PLAN  
4     REQUIRED TO PROVIDE ESSENTIAL HEALTH BENEFITS SHALL NOT, EXCEPT AS  
5     OTHERWISE PROVIDED IN SUBSECTION (B) OF THIS SECTION, REMOVE A  
6     PRESCRIPTION DRUG FROM A FORMULARY:  
7     (I) IF THE FORMULARY INCLUDES TWO OR MORE TIERS OF BENEFITS PROVIDING  
8     FOR DIFFERENT DEDUCTIBLES, COPAYMENTS OR COINSURANCE APPLICABLE TO THE  
9     PRESCRIPTION DRUGS IN EACH TIER, MOVE A DRUG TO A TIER WITH A LARGER  
10    DEDUCTIBLE, COPAYMENT OR COINSURANCE, OR;  
11    (II) ADD UTILIZATION MANAGEMENT RESTRICTIONS TO A FORMULARY DRUG,  
12    UNLESS SUCH CHANGES OCCUR AT THE TIME OF ENROLLMENT OR ISSUANCE OF  
13    COVERAGE. SUCH PROHIBITION SHALL APPLY BEGINNING ON THE DATE ON WHICH  
14    OPEN ENROLLMENT BEGINS FOR A PLAN YEAR AND THROUGH THE END OF THE PLAN  
15    YEAR TO WHICH SUCH OPEN ENROLLMENT PERIOD APPLIES.  
16    (B) A HEALTH CARE PLAN WITH A FORMULARY THAT INCLUDES TWO OR MORE  
17    TIERS OF BENEFITS PROVIDING FOR DIFFERENT DEDUCTIBLES, COPAYMENTS OR  
18    COINSURANCE APPLICABLE TO PRESCRIPTION DRUGS IN EACH TIER MAY MOVE A  
19    PRESCRIPTION DRUG TO A TIER WITH A LARGER DEDUCIBLE, COPAYMENT OR COIN-  
20    SURANCE IF AN AB-RATED GENERIC DRUG FOR SUCH PRESCRIPTION DRUG IS ADDED  
21    TO THE FORMULARY AT THE SAME TIME.  
22    S 2. This act shall take effect on the sixtieth day after it shall  
23    become a law; provided, however, that effective immediately, the addi-  
24    tion, amendment and/or repeal of any rule or regulation necessary for  
25    the implementation of this act on its effective date is authorized to be  
26    made and completed by the superintendent of financial services on or  
27    before such date.

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

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