STATE OF NEW YORK

6436

2017-2018 Regular Sessions

IN SENATE

May 18, 2017

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

AN ACT to amend the workers' compensation law, in relation to the provision of prescription medicine to workers' compensation claimants

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph 5 of subdivision (i) of section 13 of the workers' compensation law, as added by chapter 6 of the laws of 2007, is amended to read as follows:

(5) Notwithstanding any other provision of this chapter, if an employer or carrier has contracted with a pharmacy to provide prescribed medicine to claimants, then such employer or carrier may [~~require~~] **encourage** claimants to obtain all prescribed medicines from the pharmacy with which it has contracted[~~, except if a medical emergency occurs and it would not be reasonably possible to obtain immediately required prescribed medicine from the pharmacy with which the employer or carrier has a contract~~]. An employer or carrier that [~~requires~~] **encourages** claimants to obtain prescribed medicines from a pharmacy with which it has a contract must notify claimants of the pharmacy or pharmacies with which it has a contract, the locations and addresses of the pharmacy or pharmacies, if applicable, how to initially fill and refill prescriptions through the mail, internet, telephone or other means, and any other required information that must be supplied to the pharmacy or pharmacies. [~~If the pharmacy or pharmacies with which the employer or carrier contracts does not offer mail order service and does not have a physical location within a reasonable distance from the claimant, as defined by regulation of the board, the claimant may obtain prescribed medicines at the pharmacy or pharmacies of his or her choice and the employer or carrier will be liable for such charges in accordance with the fee schedule prescribed in section thirteen-o of this chapter.~~] **While an employer or a carrier may contract with a network pharmacy and**

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

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encourage claimants to use it exclusively, claimants may obtain prescribed medicines at the pharmacy or pharmacies of his or her choice so long as that pharmacy is registered as a resident, in-state pharmacy with the education department, and the employer or carrier shall be liable for such charges in accordance with the fee schedule prescribed in section thirteen-o of this article so long as the medications are casually related to the claimant's work related injuries. Such requirements shall not apply to any non-resident, out-of-state pharmacies nor shall it apply to any compound medications that the claimant is prescribed. The employer or carrier shall have the right to deny any charges that originate from non-resident, out-of-state pharmacies and deny any charges for extemporaneous compound medications that have not been approved by the federal Food and Drug Administration.

§ 2. This act shall take effect on the one hundred twentieth day after it shall have become a law.