

STATE OF NEW YORK

347

2019-2020 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 9, 2019

Introduced by M. of A. JOYNER, COLTON, ORTIZ, COOK, GLICK, D'URSO, GOTTFRIED -- Multi-Sponsored by -- M. of A. THIELE, WRIGHT -- read once and referred to the Committee on Insurance

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:

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

5 (B) Notwithstanding any other provision of this paragraph, if a pres-
6 criber, after consulting with the insurer regarding the appropriateness
7 of mail order delivery given: (i) the residence or delivery location of
8 the insured; (ii) the medical condition of the insured; (iii) the stor-
9 age requirements of the drug; (iv) the availability of the insured to
10 receive the prescription; or (v) the insured's ability to comprehend
11 pharmaceutical guidance and support over the telephone, determines that
12 a drug as prescribed on an individual basis is most appropriately filled
13 at a retail location, provided that an in-network retail pharmacy of the
14 patient's choosing agrees to the same reimbursement amount and is able
15 to fill the prescription, the prescriber's determination shall be final.

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

19 (B) Notwithstanding any other provision of this paragraph, if a pres-
20 criber, after consulting with the insurer regarding the appropriateness
21 of mail order delivery given: (i) the residence or delivery location of
22 the insured; (ii) the medical condition of the insured; (iii) the stor-
23 age requirements of the drug; (iv) the availability of the insured to

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

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1 receive the prescription; or (v) the insured's ability to comprehend
2 pharmaceutical guidance and support over the telephone, determines that
3 a drug as prescribed on an individual basis is most appropriately filled
4 at a retail location, provided that an in-network retail pharmacy of the
5 patient's choosing agrees to the same reimbursement amount and is able
6 to fill the prescription, the prescriber's determination shall be final.

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

10 (2) Notwithstanding any other provision of this subsection, if a pres-
11 criber, after consulting with the insurer regarding the appropriateness
12 of mail order delivery given: (A) the residence or delivery location of
13 the covered person; (B) the medical condition of the covered person; (C)
14 the storage requirements of the drug; (D) the availability of the
15 covered person to receive the prescription; or (E) the covered person's
16 ability to comprehend pharmaceutical guidance and support over the tele-
17 phone, determines that a drug as prescribed on an individual basis is
18 most appropriately filled at a retail location, provided that an in-net-
19 work retail pharmacy of the patient's choosing agrees to the same
20 reimbursement amount and is able to fill the prescription, the
21 prescriber's determination shall be final.

22 § 4. This act shall take effect immediately.