

STATE OF NEW YORK

10282

IN ASSEMBLY

April 8, 2020

Introduced by M. of A. EPSTEIN, CRUZ, SEAWRIGHT -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law and the education law, in relation to providing for coverage of a one hundred twenty-day supply of a prescription without prior authorization during a state disaster emergency

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

1 Section 1. Section 3242 of the insurance law is amended by adding a
2 new subsection (c) to read as follows:

3 (c) (1) Every policy delivered or issued for delivery in this state
4 that provides coverage for prescription drugs shall include in such
5 policy a process that allows an insured, the insured's designee, or the
6 insured's prescribing health care provider to obtain a one hundred twen-
7 ty-day supply of any current prescription of the insured without requir-
8 ing prior authorization of the insurer upon the declaration of a state
9 disaster emergency pursuant to section twenty-eight of the executive
10 law.

11 (2) An insurer who violates the provisions of this subsection shall be
12 liable for a civil penalty equal to one hundred dollars per dose of the
13 prescription when coverage is denied for lack of prior authorization.

14 § 2. Section 4329 of the insurance law is amended by adding a new
15 subsection (c) to read as follows:

16 (c) (1) Every contract issued by a corporation subject to the
17 provisions of this article that provides coverage for prescription drugs
18 shall include in the contract a process that allows an insured, the
19 insured's designee, or the insured's prescribing health care provider to
20 immediately obtain a one hundred twenty-day supply of any current
21 prescription of the insured without requiring prior authorization of the
22 insurer upon the declaration of a state disaster emergency pursuant to
23 section twenty-eight of the executive law.

24 (2) An insurer who violates the provisions of this subsection shall be
25 liable for a civil penalty equal to one hundred dollars per dose of the
26 prescription when coverage is denied for lack of prior authorization.

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

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1 § 3. Section 6810 of the education law is amended by adding a new
2 subdivision 16 to read as follows:

3 16. (a) Notwithstanding any other provisions of this section or any
4 other law to the contrary, a pharmacy shall dispense a one hundred twen-
5 ty-day supply of a prescription to a patient, or a person authorized to
6 make the request on behalf of the patient, at no cost to such patient,
7 or person authorized to make the request on behalf of the patient, if
8 the insurance coverage of the patient for such prescription is denied
9 due to a lack of prior authorization during a state disaster emergency
10 declared pursuant to section twenty-eight of the executive law. A phar-
11 macy shall have a cause of action against the insurance provider for the
12 cost of a prescription dispensed pursuant to the provisions of this
13 subdivision.

14 § 4. This act shall take effect immediately and shall apply to all
15 policies and contracts issued, renewed, modified, altered or amended on
16 or after such date.