

# STATE OF NEW YORK

864

2019-2020 Regular Sessions

## IN ASSEMBLY

January 11, 2019

Introduced by M. of A. SIMOTAS, HEVESI, BENEDETTO, COLTON, MONTESANO, GUNTHER, GALEF, RAIA, WEPRIN, TITUS, PERRY, ZEBROWSKI, L. ROSENTHAL, ABINANTI -- Multi-Sponsored by -- M. of A. BRAUNSTEIN, COOK, GLICK -- read once and referred to the Committee on Labor

AN ACT to amend the workers' compensation law, in relation to prescription prices and pharmacies for injured employees

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 and a new paragraph 6 is added to read as follows:

(5) [~~Notwithstanding any other provision of this chapter, if~~] If an employer or carrier has contracted with a pharmacy to provide prescribed medicine to claimants, then such employer or carrier may require 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 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

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

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1 charges in accordance with the fee schedule prescribed in section thir-  
2 teen-o of this [~~chapter~~] article.

3 (6) Notwithstanding paragraph five of this subdivision, an employer or  
4 carrier shall be prohibited from refusing to allow a claimant to utilize  
5 a pharmacy of his or her choice to furnish the prescribed medications  
6 required by the claimant as long as such pharmacy's charges are below  
7 the pharmaceutical fee schedule adopted by the chair.

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