STATE OF NEW YORK

3134

2021-2022 Regular Sessions

IN ASSEMBLY

January 22, 2021

Introduced by M. of A. EPSTEIN, CRUZ, SEAWRIGHT, BARNWELL, STERN, DINOWITZ, McMAHON, GOTTFRIED, GRIFFIN, ABINANTI, SIMON -- 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:

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

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

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

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

(c) (1) Every contract issued by a corporation subject to the provisions of this article that provides coverage for prescription drugs shall include in the contract a process that allows an insured, the insured's designee, or the insured's prescribing health care provider to immediately obtain a one hundred twenty-day supply of any current prescription of the insured without requiring prior authorization of the

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

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insurer upon the declaration of a state disaster emergency pursuant to section twenty-eight of the executive law.

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

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

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

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