

# STATE OF NEW YORK

5787

2021-2022 Regular Sessions

## IN ASSEMBLY

February 25, 2021

Introduced by M. of A. JOYNER, COOK -- 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 (l) 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  
24 receive the prescription; or (v) the insured's ability to comprehend  
25 pharmaceutical guidance and support over the telephone, determines that

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

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1 a drug as prescribed on an individual basis is most appropriately filled  
2 at a retail location, provided that an in-network retail pharmacy of the  
3 patient's choosing agrees to the same reimbursement amount and is able  
4 to fill the prescription, the prescriber's determination shall be final.

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

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

20 § 4. This act shall take effect immediately.