

# STATE OF NEW YORK

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6409

2021-2022 Regular Sessions

## IN ASSEMBLY

March 17, 2021

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Introduced by M. of A. BICHOTTE HERMELYN -- read once and referred to the Committee on Health

AN ACT to amend the social services law, in relation to requiring each managed care provider to annually provide each participant in its program with a written list of mail-order pharmacies with which the managed care provider has a contract for coverage of prescription drugs

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

1 Section 1. Paragraph (u) of subdivision 4 of section 364-j of the  
2 social services law, as amended by section 12 of part A of chapter 56 of  
3 the laws of 2013, is amended to read as follows:

4 (u) A managed care provider that provides coverage for prescription  
5 drugs shall permit each participant to fill any mail order covered  
6 prescription, at his or her option, at any mail order pharmacy or non-  
7 mail-order retail pharmacy in the managed care provider network. If the  
8 managed care provider has designated one or more pharmacies for filling  
9 prescriptions for a particular drug or drugs, then such prescriptions  
10 may be filled, at the participant's option, at any other pharmacy in the  
11 network, if the network pharmacy chosen by the participant offers to  
12 accept a price that is comparable to that of the pharmacy designated by  
13 the managed care provider. For the purposes of this section, "mail order  
14 pharmacy" means a pharmacy whose primary business is to receive  
15 prescriptions by mail, telefax or through electronic submissions, and to  
16 dispense medication to patients through the use of the United States  
17 mail or other common or contract carrier services, and provides any  
18 consultation with patients electronically rather than face to face.  
19 Every non-mail-order retail pharmacy in the managed care provider's  
20 network with respect to any prescription drug shall be deemed to be in  
21 the managed care provider's network for every covered prescription drug.

22 Each managed care provider subject to the provisions of this paragraph

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

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1 shall annually provide each participant in its program with a written  
2 list of mail-order pharmacies with which the managed care provider has a  
3 contract for coverage of prescription drugs.

4 § 2. This act shall take effect on the one hundred eightieth day after  
5 it shall have become a law; and shall apply to all contracts, agreements  
6 and leases entered into on or after such date, provided, however that  
7 the amendments to section 364-j of the social services law made by  
8 section one of this act shall not affect the repeal of such section and  
9 shall be deemed repealed therewith.