STATE OF NEW YORK

1013

2021-2022 Regular Sessions

IN ASSEMBLY

January 7, 2021

Introduced by M. of A. BRONSON, ABBATE, BENEDETTO, BRABENEC, HEVESI -- read once and referred to the Committee on Labor

AN ACT to amend the workers' compensation law, in relation to contracted network pharmacy use

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 to read as follows:

(5) Notwithstanding any other provision of this chapter, if an employer or carrier has contracted with a pharmacy to provide prescribed medicine to claimants, then such employer or carrier may [~~require~~] **encourage** 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~~] **encourages** 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 charges in accordance with the fee schedule prescribed in section thirteen-o of this chapter~~] **While an employer or a carrier may contract with a network pharmacy and**

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

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encourage claimants to use it exclusively, claimants may obtain prescribed medicines at the pharmacy or pharmacies of their choice so long as that pharmacy is registered as a resident, in-state pharmacy with the New York state board of pharmacy and the employer or carrier will be liable for such charges in accordance with the fee schedule prescribed in section thirteen-o of this article so long as the medications are causally related to the claimants' work related injuries and are in accordance with the New York state workers' compensation pharmacy formulary and all other applicable board regulations regarding pharmacy. This paragraph will not apply to any resident, in-state pharmacies that are contracted with the network pharmacy that the employer or carrier designates as their preferred and encouraged network pharmacy. Such pharmacies are obligated to process all claims through their contract with the employer's or carrier's designated network pharmacy. This paragraph will also not apply to any non-resident, out-of-state pharmacies nor shall it apply to any compound medications that the claimant is prescribed. The employer or carrier will have the right to deny any charges that originate from non-resident, out-of-state pharmacies and deny any charges for non-FDA approved extemporaneous compound medications.

§ 2. This act shall take effect immediately.