

STATE OF NEW YORK

1174

2021-2022 Regular Sessions

IN ASSEMBLY

January 7, 2021

Introduced by M. of A. BRONSON -- read once and referred to the Committee on Labor

AN ACT to amend the workers' compensation law, in relation to the provision of prescription medicine to workers' compensation claimants

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

1 Section 1. Paragraph 5 of subdivision (i) of section 13 of the work-
2 ers' compensation law, as added by chapter 6 of the laws of 2007, is
3 amended to read as follows:

4 (5) Notwithstanding any other provision of this chapter, if an employ-
5 er or carrier has contracted with a pharmacy to provide prescribed medi-
6 cine to claimants, then such employer or carrier may [~~require~~] encourage
7 claimants to obtain all prescribed medicines from the pharmacy with
8 which it has contracted [~~, except if a medical emergency occurs and it~~
9 ~~would not be reasonably possible to obtain immediately required~~
10 ~~prescribed medicine from the pharmacy with which the employer or carrier~~
11 ~~has a contract~~]. An employer or carrier that [~~requires~~] encourages
12 claimants to obtain prescribed medicines from a pharmacy with which it
13 has a contract must notify claimants of the pharmacy or pharmacies with
14 which it has a contract, the locations and addresses of the pharmacy or
15 pharmacies, if applicable, how to initially fill and refill
16 prescriptions through the mail, internet, telephone or other means, and
17 any other required information that must be supplied to the pharmacy or
18 pharmacies. [~~If the pharmacy or pharmacies with which the employer or~~
19 ~~carrier contracts does not offer mail order service and does not have a~~
20 ~~physical location within a reasonable distance from the claimant, as~~
21 ~~defined by regulation of the board, the claimant may obtain prescribed~~
22 ~~medicines at the pharmacy or pharmacies of his or her choice and the~~
23 ~~employer or carrier will be liable for such charges in accordance with~~
24 ~~the fee schedule prescribed in section thirteen-o of this chapter.~~]

25 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.

LBD05116-01-1

1 encourage claimants to use it exclusively, claimants may obtain
2 prescribed medicines at the pharmacy or pharmacies of his or her choice
3 so long as that pharmacy is registered as a resident, in-state pharmacy
4 with the education department, and the employer or carrier shall be
5 liable for such charges in accordance with the fee schedule prescribed
6 in section thirteen-o of this article so long as the medications are
7 casually related to the claimant's work related injuries. Such require-
8 ments shall not apply to any non-resident, out-of-state pharmacies nor
9 shall it apply to any compound medications that the claimant is
10 prescribed. The employer or carrier shall have the right to deny any
11 charges that originate from non-resident, out-of-state pharmacies and
12 deny any charges for extemporaneous compound medications that have not
13 been approved by the federal Food and Drug Administration.

14 § 2. This act shall take effect on the one hundred twentieth day after
15 it shall have become a law.