

# STATE OF NEW YORK

1772

2021-2022 Regular Sessions

## IN SENATE

January 15, 2021

Introduced by Sen. SKOUFIS -- read twice and ordered printed, and when printed to be committed 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.