STATE OF NEW YORK

1036

2023-2024 Regular Sessions

IN ASSEMBLY

January 13, 2023

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 managed care providers that provide coverage for prescription drugs to provide coverage for home delivery of any covered prescription drug by any non-mail-order retail pharmacy in the managed care provider network

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

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

(u) A managed care provider that provides coverage for prescription drugs shall permit each participant to fill any mail order covered prescription, at his or her option, at any mail order pharmacy or non-mail-order retail pharmacy in the managed care provider network. **A managed care provider that provides coverage for prescription drugs shall also provide coverage for home delivery of any covered prescription drug by any non-mail-order retail pharmacy in the managed care provider network.** If the managed care provider has designated one or more pharmacies for filling prescriptions for a particular drug or drugs, then such prescriptions may be filled, at the participant's option, at any other pharmacy in the network, if the network pharmacy chosen by the participant offers to accept a price that is comparable to that of the pharmacy designated by the managed care provider. For the purposes of this section, "mail order pharmacy" means a pharmacy whose primary business is to receive prescriptions by mail, telefax or through electronic submissions, and to dispense medication to patients through the use of the United States mail or other common or contract carrier services, and provides any consultation with patients electronically rather than face to face. Every non-mail-order retail pharmacy in the

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

LBD01188-01-3

managed care provider's network with respect to any prescription drug shall be deemed to be in the managed care provider's network for every covered prescription drug.

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