

# STATE OF NEW YORK

582

2023-2024 Regular Sessions

## IN ASSEMBLY

January 9, 2023

Introduced by M. of A. McDONALD, STECK -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law and the public health law, in relation to protecting certain therapeutic classes from step therapy

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

1 Section 1. Subsection (a) of section 4902 of the insurance law is  
2 amended by adding a new paragraph 14 to read as follows:

3 (14) When establishing a step therapy protocol, a utilization review  
4 agent shall ensure that such protocol shall not apply to medically  
5 necessary prescription drugs in the dermatologic, hematology, ophthalmo-  
6 logic, rheumatic, gastrointestinal, neurology, and oncology therapeutic  
7 classes, including non-formulary drugs.

8 § 2. Section 4902 of the public health law is amended by adding a new  
9 subdivision 5 to read as follows:

10 5. When establishing a step therapy protocol, a utilization review  
11 agent shall ensure that such protocol shall not apply to medically  
12 necessary prescription drugs in the dermatologic, hematology, ophthalmo-  
13 logic, rheumatic, gastrointestinal, neurology, and oncology therapeutic  
14 classes, including non-formulary drugs.

15 § 3. This act shall take effect immediately.

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

LBD02499-01-3