

**MEDICAL SOCIETY**  
of the  
**STATE OF NEW YORK**

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*Division of Governmental Affairs*  
**MEMORANDUM IN SUPPORT**

**IN SENATE INSURANCE  
COMMITTEE**

**S.1743 (GOLDEN)**

**PASSED ASSEMBLY**

**A.3119 (JOYNER)**

**AN ACT to amend the insurance law, in relation to the  
purchase of prescription drugs**

This bill would amend the insurance law to clarify provisions of the law that require that health insurance policies permit an insured to fill a covered prescription, at his or her option, at any network participating retail pharmacy provided that such retail pharmacy will accept a price that is comparable to that of the mail order pharmacy. **The Medical Society of the State of New York supports this legislation.**

A critical component of assuring the ability our patients to treat or manage a particular condition or illness is their ability to obtain necessary prescription medications. Many patients prefer to obtain their prescriptions from a local pharmacy where they can, in person, discuss with a pharmacist any particular concerns they have with a specific medication, including potential interactions with other medications they may be taking. In the interests of cost containment, some health insurance companies have directed their enrollees to obtain prescriptions from mail order pharmacies, or have greatly disincentivized their enrollees from obtaining prescriptions at a local pharmacy by way of imposing costly additional co-pays or other conditions which ultimately deter patient choice of pharmacy. Legislation enacted in 2011 helped to protect the ability of patients to have a choice of whether to obtain their prescription with a mail order pharmacy or with a network participating neighborhood pharmacy, provided that the neighborhood pharmacy accepts a price that is comparable to that of the mail order pharmacy. However, there were technical issues with the language of that law that have prevented patients, in some instances, from being able to obtain their prescriptions from a local pharmacy. This legislation would address these technical problems, and better assure the achievement of the intent of the law to provide patients with a real choice as to whether they want to have their prescription filled with a mail order or with a retail pharmacy.

**Based on the foregoing, the Medical Society of the State of New York supports this legislation, and urges it enactment.**

Respectfully submitted,

**MSSNY DIVISION OF GOVERNMENTAL AFFAIRS**

10/9/18 - Support  
MMA