Legislation Details (With Text)

File #:	Res 0138-2014	**Version:**	*	**Name:**	Ensure that consumers have the option to access every covered medication from a local network participating pharmacy, including HIV/AIDS medications. (A.5723-A/S.3995-A)
Type:	Resolution			**Status:**	Filed (End of Session)
				In control:	Committee on Health
On agenda:	3/26/2014				
Enactment date:				**Enactment #:**	

Title: Resolution calling on the New York State Legislature to pass, and the Governor to sign, A.5723-A/S.3995-A, legislation that would ensure that consumers have the option to access every covered medication from a local network participating pharmacy, including HIV/AIDS medications, and are not forced into mandatory mail order.

Sponsors:

Indexes:

Attachments:

Date	Ver.	Action By	Action	Result
3/26/2014	*	City Council	Introduced by Council	
3/26/2014	*	City Council	Referred to Comm by Council	
12/31/2017	*	City Council	Filed (End of Session)	

Res. No. 138

Resolution calling on the New York State Legislature to pass, and the Governor to sign, A.5723-A/S.3995-A, legislation that would ensure that consumers have the option to access every covered medication from a local network participating pharmacy, including HIV/AIDS medications, and are not forced into mandatory mail order.

By Council Members Levine, Johnson, Chin, Dromm, Lander, Mendez, Richards, Rosenthal, Deutsch and Menchaca

Whereas, In recent years, health insurance plans have increasingly mandated use of mail-order pharmacies for members with chronic illnesses; and

Whereas, Mail-order prescriptions strip business away from small pharmacies in the community and deprive beneficiaries of the personal service, attention and opportunity to ask questions that a local pharmacy would provide; and

Whereas, Community pharmacists develop relationships with local residents and know their medical

history; and

Whereas, Those with HIV/AIDS often take a complex combination of medications that can change frequently; and

Whereas, Speaking to a pharmacist can help with medication adherence and prevent confusion and frustration; and

Whereas, Medication that is left with a neighbor or on a doorstep, especially medication that needs to be refrigerated, can violate the privacy of recipients and potentially compromise the effectiveness of that medication; and

Whereas, A class-action lawsuit claiming discrimination by Anthem Blue Cross in California led to a settlement in 2013 allowing those with HIV/AIDS to opt out of mail-order prescriptions; and

Whereas, A similar lawsuit is pending against United Healthcare in California; and

Whereas, In January 2012, a State law took effect which had the intent of guaranteeing that consumers would always have the choice of obtaining covered prescription drugs from a local network participating pharmacy; and

Whereas, Insurers have been able to work around this law to continue to force beneficiaries into mandatory mail-order programs on the basis of the medications they were prescribed; and

Whereas, New York insurers have also recently required pharmacies to meet unreasonable conditions, such as costly accreditations, on-call 24-hour nursing services and excessive liability insurance demands; and

Whereas, Local neighborhood pharmacies often cannot meet these requirements, forcing beneficiaries to use mail-order prescription services; and

Whereas, A.5723-A/S.3995-A, sponsored by Assembly Member Carl Heastie and Senator George Maziarz, would eliminate the need for pharmacies to agree to “terms and conditions” to fill prescriptions, which is how the onerous requirements are incorporated and imposed; and

Whereas, This legislation would also clarify definitions to prevent insurers from flouting the true

intention of current law and provide beneficiaries with the privacy and acquisition options they deserve; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass and the Governor to sign A.5723-A/S.3995-A, legislation that would ensure that consumers have the option to access every covered medication from a local network participating pharmacy, including HIV/AIDS medications, and are not forced into mandatory

mail-order.

CP
LS# 981
3/21/14