



NEW YORK STATE SENATOR

Jack M. Martins

Senator Martins: State Should Close Legal Loophole So That Patients Have More Choices for Prescription Drugs

JACK M. MARTINS May 27, 2014

| ISSUE: **PRESCRIBED DRUGS OR PRESCRIPTIONS**

Legislation Would Prevent Insurance Companies from only covering Mail Order Prescriptions

Senator Jack M. Martins (R-7th Senate District) is fighting to close a legal loophole which is limiting residents ability to obtain insurance coverage for prescription drugs. The legislation, of which Senator Martins is a sponsor, would prevent insurance companies from denying coverage for a prescription at a local in-network pharmacy, but providing coverage for the same prescription if it is obtained through a mail order pharmacy, even if it is out of state.

“Forcing patients who have multiple prescriptions to get some from their pharmacy and others through mail order is not only inconvenient, it compromises their quality of care. Pharmacists are trained healthcare providers who talk with patients about their medications, provide guidance, and notify a doctor if there is a problem about how a patient’s prescriptions are interacting. Patients can’t have that same level of care through the mail or via the internet. Closing this loophole will ensure that individuals have a choice in how they obtain their prescription drugs, and ensure that private profits don’t come before people’s health,” said Senator Martins.

Current law was designed to ensure patients always had a choice of obtaining covered prescription drugs from a local network participating pharmacy. However, insurance companies found a loophole in the law which allowed them to force patients into mandatory mail order programs by making prescriptions coverable only by “specialty” pharmacies rather than “retail” pharmacies.

The legislation Senator Martins is supporting (S3995B) would close this legal loophole and ensure that insurance companies follow the law as it was intended.