Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

Any insurance carrier or pharmacy providing medication to workers’ compensation claimants, including those in rural areas, would be required to adhere to the proposal.

2. Reporting, recordkeeping and other compliance requirements:

This regulation restores language that makes clear that carriers must notify the pharmacy that there is a network – and if the pharmacy thereafter fills prescription, the carrier is not liable for payment if the notification process was followed. The proposed amendments to the regulations require carriers to follow an already established notification procedure in section 440.4 of Title 12 NYCRR.

3. Costs:

This proposal should reduce costs overall, because it requires carriers to notify non-network pharmacies before they fill a prescription that there is a network, which should reduce disputes and ensure injured workers receive the medication they need without unnecessary obstacles.

4. Minimizing adverse impact:

Restoration of this language to section 440.8 effectuates the legislative intent of WCL section 13(i) and is expected to decrease disputes and provide for smoother procedures for injured workers to receive their necessary medications.
5. Rural area participation:

The proposal will be available for public comment on the Board’s website and in the State Register, and the Board will duly consider all public comments received.