Mandatory Mail Order Pharmacies: A Bitter Pill to Swallow

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Many people living in New York City know how frustrating it can be to receive a package in the mail. The redelivery notice asks you to be home when you’re supposed to be at work. A birthday

gift finally delivered to your apartment door gets stolen. Most chalk it up to life in the Big Apple. But what if that package is the prescription your mother needs to fight breast cancer, or the antiretrovirals that keep HIV at bay? Missing that package transforms an inconvenience into something dangerous to your health.

This is the crisis facing countless New Yorkers with life-threatening and chronic conditions — including cancer, lupus, HIV, multiple sclerosis, hemophilia, rheumatoid arthritis, and many others — who are required by the health insurance industry to use mail order pharmacies. The industry is exploiting a loophole in a law passed in 2011. The law was meant to ensure consumer choice, but instead it allows the insurance industry to compel New Yorkers to receive their prescriptions by mail. The law enables insurance companies to mandate unachievable "terms and conditions" on local pharmacies, preventing them from qualifying to fill prescriptions deemed "specialty" by the industry, even if they match the cost.

The result? Prescriptions are lost in the mail or stolen, requiring consumers to pay the full cost for replacements. Drug regimens are interrupted, which leads to resistance and more expensive treatment. Prescriptions that require refrigeration are left to spoil at the front door, and confidential health information is disclosed to neighbors who receive medications in error.

As an example, a GMHC client had a relationship with his local pharmacy for 30 years before being forced to use United Healthcare's mail order pharmacy, OptumRx. When Optum lost his HIV medication in the mail, a representative said that he'd either have to skip his HIV treatment for three weeks (until the next month's cycle) or pay over $1,000 for a new prescription. Another client, who was forced to use Empire Blue Cross' mail order pharmacy, now has to take eight days off from work per year to make sure he is home to receive his medications.

Insurance companies claim to offer individual exemptions, enabling the use of a local pharmacy. However, they do not provide consumers with transparent and adequate notice of how to apply. Often, exemptions are granted arbitrarily and only to those who have the time and health to work through a long and frustrating appeals process, with no guarantee of relief.

Mandatory mail order pharmacies are not only bad for public health; they're also bad for small businesses. Pharmacies, from local stores to the big chains, are being shut out by the health insurance companies and millions of dollars are directed out of state. The important community connection between a patient and her neighborhood pharmacist is replaced by an unfamiliar voice on the phone that has no relationship with patients, no incentive to ensure that medications arrive on time, and no accountability if a prescription is lost in the mail or stolen. In 2012, the Legislature and Governor ensured that State Medicaid enrollees were not forced to use mail order pharmacies. The law should be the same for all New Yorkers.

The New York City Public Advocate's Office, along with the New York City Council, is working with GMHC to raise awareness on this issue. One solution is New York's Anti-Mandatory Mail Order Pharmacy Bill. It enables New Yorkers, not the insurance industry, to choose whether to fill

prescriptions by mail or from a local pharmacy, as long as the pharmacy matches the average wholesale cost.

This bill enjoys bi-partisan support from a broad coalition of over 60 healthcare and patient advocacy organizations representing New Yorkers across the state. As the bill works its way through the state legislature, insurance companies can do the right thing by notifying all consumers about their right to request a hardship exemption and by laying out a clear process for obtaining it.

Twenty-nine years ago, GMHC launched AIDS Walk to engage the public on the growing AIDS epidemic. Since then, we have fought to protect and promote public health issues affecting all New Yorkers, including those living with HIV/AIDS. Now, as we walk to commemorate those we have lost and to show our collective resolve for fair public health policies, let's make sure all New Yorkers can choose to fill their lifesaving prescriptions by mail or at their local pharmacy, whichever is best for them and their loved ones.

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