BioScrip, Inc. Form 4 June 16, 2010

# FORM 4

Check this box

if no longer

Section 16.

subject to

#### **OMB APPROVAL** UNITED STATES SECURITIES AND EXCHANGE COMMISSION

Table I - Non-Derivative Securities Acquired, Disposed of, or Beneficially Owned

OMB 3235-0287

Number: January 31, Expires:

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### STATEMENT OF CHANGES IN BENEFICIAL OWNERSHIP OF **SECURITIES**

Washington, D.C. 20549

Form 4 or Form 5 Filed pursuant to Section 16(a) of the Securities Exchange Act of 1934, obligations Section 17(a) of the Public Utility Holding Company Act of 1935 or Section may continue. 30(h) of the Investment Company Act of 1940 See Instruction

1(b).

(Print or Type Responses)

| 1. Name and Address of Reporting Person ** HUBERS DAVID R |                       |          | 2. Issuer Name <b>and</b> Ticker or Trading Symbol | 5. Relationship of Reporting Person(s) to Issuer |  |  |  |
|---|-----------------------|----------|--|--|--|--|--|
|   | BioScrip, Inc. [BIOS] |          | * '  | (Check all applicable)                           |  |  |  |
| (Last)  | (First)               | (Middle) | 3. Date of Earliest Transaction                    |  |  |  |  |
| 100 CLEARBROOK ROAD                                       |                       |          | (Month/Day/Year)<br>06/16/2010                     | XDirector10% Owner Other (specify below)         |  |  |  |

(Street) 4. If Amendment, Date Original Filed(Month/Day/Year)

6. Individual or Joint/Group Filing(Check Applicable Line) \_X\_ Form filed by One Reporting Person Form filed by More than One Reporting Person

### ELMSFORD, NY 10523

(State)

(Zip)

(City)

|  | Table 1 - Non-Derivative Securities Acquired, Disposed of, of Deficiently Owned |   |                 |  |     |  |  |  |   |
|--|---|---|-----------------|--|-----|--|--|--|---|
| 1.Title of<br>Security<br>(Instr. 3)     | 2. Transaction Date (Month/Day/Year)  | 2A. Deemed<br>Execution Date, if<br>any<br>(Month/Day/Year) | Code (Instr. 8) | 4. Securities Acquired n(A) or Disposed of (D) (Instr. 3, 4 and 5) |     | 5. Amount of<br>Securities<br>Beneficially<br>Owned<br>Following<br>Reported<br>Transaction(s)<br>(Instr. 3 and 4) | 6. Ownership Form: Direct (D) or Indirect (I) (Instr. 4) | 7. Nature of Indirect<br>Beneficial<br>Ownership<br>(Instr. 4) |   |
| Common<br>Stock,<br>\$.0001<br>Par Value | 06/16/2010  |   | Code V  A       | Amount 10,000  | (D) | Price  | 45,560   | D  |   |
| Common<br>Stock,<br>\$.0001<br>Par Value |   |   |                 |  |     |  | 16,000   | I  | By The David<br>R. Hubers<br>Grantor<br>Retained<br>Annuity Trust |
| Common<br>Stock,<br>\$.0001              |   |   |                 |  |     |  | 25,000   | I  | By The David<br>R. Hubers<br>Revocable Trust                      |

Par Value

| Common    |        |   | By The Hubers   |
|-----------|--------|---|-----------------|
| Stock,    | 12,940 | т | Grandchildren's |
| \$.0001   | 12,940 | 1 | Trust U/A/D     |
| Par Value |        |   | 12/10/1997 (1)  |

Reminder: Report on a separate line for each class of securities beneficially owned directly or indirectly.

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SEC 1474

(9-02)

Table II - Derivative Securities Acquired, Disposed of, or Beneficially Owned (e.g., puts, calls, warrants, options, convertible securities)

| 1. Title of<br>Derivative<br>Security<br>(Instr. 3) | 2.<br>Conversion<br>or Exercise<br>Price of<br>Derivative<br>Security | 3. Transaction Date (Month/Day/Year) | 3A. Deemed<br>Execution Date, if<br>any<br>(Month/Day/Year) | 4.<br>Transacti<br>Code<br>(Instr. 8) | 5. onNumber of Derivative Securities Acquired (A) or Disposed of (D) (Instr. 3, 4, and 5) | Expiration Date<br>(Month/Day/Year |                    |  | 7. Title and Amount of Underlying Securities (Instr. 3 and 4) |  |
|---|---|--------------------------------------|---|---------------------------------------|---|------------------------------------|--------------------|--|---|--|
|   |   |                                      |   | Code V                                | (A) (D)   | Date Exercisable                   | Expiration<br>Date | Title                                    | Amount<br>or<br>Number<br>of Shares                           |  |
| Director<br>Stock<br>Option                         | \$ 7.25   |                                      |   |                                       |   | <u>(2)</u>                         | 12/14/2010         | Common<br>Stock,<br>\$.0001<br>Par Value | 33,600  |  |
| Director<br>Stock<br>Option                         | \$ 4.22   |                                      |   |                                       |   | <u>(2)</u>                         | 11/27/2011         | Common<br>Stock,<br>\$.0001<br>Par Value | 11,200  |  |
| Director<br>Stock<br>Option                         | \$ 4.43   |                                      |   |                                       |   | (2)                                | 11/20/2012         | Common<br>Stock,<br>\$.0001<br>Par Value | 11,200  |  |
| Director<br>Stock<br>Option                         | \$ 7.96   |                                      |   |                                       |   | <u>(2)</u>                         | 11/19/2013         | Common<br>Stock,<br>\$.0001<br>Par Value | 11,200  |  |
| Director<br>Stock<br>Option                         | \$ 6.61   |                                      |   |                                       |   | (2)                                | 03/12/2015         | Common<br>Stock,<br>\$.0001              | 20,000  |  |

Par Value

Option

To

Purchase \$5.33

Common Stock 05/23/2007<sup>(2)</sup> 05/23/2016

Common Stock, \$.0001 Par Value

### **Reporting Owners**

Reporting Owner Name / Address Relationships

Director 10% Owner Officer Other

HUBERS DAVID R 100 CLEARBROOK ROAD X ELMSFORD, NY 10523

# **Signatures**

David R. Hubers 06/16/2010

\*\*Signature of Reporting Person Date

# **Explanation of Responses:**

- \* If the form is filed by more than one reporting person, see Instruction 4(b)(v).
- \*\* Intentional misstatements or omissions of facts constitute Federal Criminal Violations. See 18 U.S.C. 1001 and 15 U.S.C. 78ff(a).
- (1) Mr. Hubers' spouse is the trustee of the trust
- (2) Fully Vested

Note: File three copies of this Form, one of which must be manually signed. If space is insufficient, *see* Instruction 6 for procedure. Potential persons who are to respond to the collection of information contained in this form are not required to respond unless the form displays a currently valid OMB number.

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