

BioScrip, Inc.

Form 4

December 10, 2010

**FORM 4****UNITED STATES SECURITIES AND EXCHANGE COMMISSION  
Washington, D.C. 20549**

Check this box  
if no longer  
subject to  
Section 16.  
Form 4 or  
Form 5  
obligations  
may continue.  
See Instruction  
1(b).

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

Filed pursuant to Section 16(a) of the Securities Exchange Act of 1934,  
Section 17(a) of the Public Utility Holding Company Act of 1935 or Section  
30(h) of the Investment Company Act of 1940

## OMB APPROVAL

OMB  
Number: 3235-0287  
Expires: January 31,  
2005  
Estimated average  
burden hours per  
response... 0.5

(Print or Type Responses)

1. Name and Address of Reporting Person \*  
**HUBERS DAVID R**

(Last) (First) (Middle)

**100 CLEARBROOK ROAD**

(Street)

**ELMSFORD, NY 10523**

(City) (State) (Zip)

2. Issuer Name **and** Ticker or Trading  
Symbol  
**BioScrip, Inc. [BIOS]**

3. Date of Earliest Transaction  
(Month/Day/Year)  
**12/10/2010**

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

5. Relationship of Reporting Person(s) to  
Issuer

(Check all applicable)

☒ Director ☐ 10% Owner  
☐ Officer (give title below) ☐ Other (specify below)

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

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

1. Title of Security (Instr. 3)	2. Transaction Date (Month/Day/Year)	2A. Deemed Execution Date, if any (Month/Day/Year)	3. Transaction Code (Instr. 8)	4. Securities Acquired (A) or Disposed of (D) (Instr. 3, 4 and 5)	5. Amount of Securities Beneficially Owned Following Reported Transaction(s) (Instr. 3 and 4)	6. Ownership Form: Direct (D) or Indirect (I) (Instr. 4)	7. Nature of Indirect Beneficial Ownership (Instr. 4)
			Code	V	Amount (A) or (D)	Price	
Common Stock, \$.0001 Par Value	12/10/2010		P		10,000	A \$ 4.5242	35,000 I By The David R. Hubers Revocable Trust
Common Stock, \$.0001 Par Value						18,960	D
Common Stock, \$.0001 Par Value						16,000	I By The David R. Hubers Grantor Retained

Common Stock, \$.0001 Par Value	12,940	I	Annuity Trust By The Hubers Grandchildren's Trust U/A/D 12/10/1997 <sup>(1)</sup>
Common Stock, \$.0001 Par Value	26,600	I	David R. Hubers 2010 GRAT No. 1 U/A/D 07/29/2010 <sup>(1)</sup>

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

**Persons who respond to the collection of information contained in this form are not required to respond unless the form displays a currently valid OMB control number.**

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(9-02)

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

1. Title of Derivative Security (Instr. 3)	2. Conversion or Exercise Price of Derivative Security	3. Transaction Date (Month/Day/Year)	3A. Deemed Execution Date, if any (Month/Day/Year)	4. Transaction Code (Instr. 8)	5. Number of Derivative Securities Acquired (A) or Disposed of (D) (Instr. 3, 4, and 5)	6. Date Exercisable and Expiration Date (Month/Day/Year)	7. Title and Amount of Underlying Securities (Instr. 3 and 4)	8. D S (I	
				Code	V (A) (D)	Date Exercisable	Expiration Date	Title	Amount or Number of Shares
Director Stock Option	\$ 7.25					<u>(2)</u>	12/14/2010	Common Stock, \$.0001 Par Value	33,600
Director Stock Option	\$ 4.22					<u>(2)</u>	11/27/2011	Common Stock, \$.0001 Par Value	11,200
Director Stock Option	\$ 4.43					<u>(2)</u>	11/20/2012	Common Stock, \$.0001 Par Value	11,200
Director Stock	\$ 7.96					<u>(2)</u>	11/19/2013	Common Stock,	11,200

Option					\$ .0001 Par Value	
Director Stock Option	\$ 6.61	( <u>2</u> )	03/12/2015		Common Stock, \$.0001 Par Value	20,000
Option To Purchase Common Stock	\$ 5.33	05/23/2007( <u>3</u> )	05/23/2016		Common Stock, \$.0001 Par Value	5,000

## Reporting Owners

Reporting Owner Name / Address	Relationships			
	Director	10% Owner	Officer	Other
HUBERS DAVID R 100 CLEARBROOK ROAD ELMSFORD, NY 10523	X			

## Signatures

/s/ David Frankel, attorney-in-fact for Mr. Hubers

12/10/2010

          \*\*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
- (3) Vests and becomes exercisable in three equal annual installments commencing on the first anniversary of the date of grant.

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.