S T A T E O F N E W Y O R K

7078--A

I N S E N A T E

March 22, 2016

Introduced by Sen. FELDER -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to authorizing pharmacists to refill non-controlled substance prescriptions for quantities of drugs not to exceed a ninety day supply, subject to certain conditions

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The opening paragraph of paragraph (a) of subdivision 2 of section 6810 of the education law, as amended by chapter 413 of the laws of 2014, is amended to read as follows:

A prescription may not be refilled unless it bears a contrary instruction and indicates on its face the number of times it may be refilled. A prescription may not be refilled more times than allowed on the prescription. The date of each refilling must be indicated on the original prescription. Prescriptions for controlled substances shall be refilled only pursuant to article thirty-three of the public health law. A PHARMACIST MAY EXERCISE HIS OR HER PROFESSIONAL JUDGEMENT IN REFILLING A PRESCRIPTION FOR A QUANTITY OF A DRUG GREATER THAN THE INITIAL QUANTITY OF A DRUG PRESCRIBED BY THE PRESCRIBING PRACTITIONER PROVIDED THAT:

(I) SUCH REFILL IS MADE AFTER THE PATIENT'S INITIAL PRESCRIPTION IS DISPENSED;

(II) SUCH REFILL DOES NOT EXCEED A NINETY DAY SUPPLY OF SUCH DRUG AND DOES NOT EXCEED THE TOTAL QUANTITY OF SUCH DRUG AUTHORIZED BY THE PRESCRIBER;

(III) THE PRESCRIBER HAS NOT INDICATED THAT THE INITIAL QUANTITY OR REFILL QUANTITY OF THE PRESCRIBED DRUG SHALL NOT BE CHANGED;

(IV) SUCH DRUG IS NOT A CONTROLLED SUBSTANCE;

(V) THE PHARMACIST INFORMS THE PRESCRIBER OF SUCH REFILL AS SOON AS IS REASONABLY POSSIBLE, BUT NO LATER THAN FIVE BUSINESS DAYS AFTER SUCH REFILL IS MADE; AND

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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(VI) THE PATIENT'S HEALTH INSURANCE POLICY OR HEALTH BENEFIT PLAN, IF ANY, WILL COVER THE REFILL QUANTITY DISPENSED, WITHOUT ADDITIONAL CO-INSURANCE, DEDUCTIBLE OR OTHER OUT-OF-POCKET EXPENSE REQUIRED FROM SUCH PATIENT.

S 2. This act shall take effect immediately.