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

9093--A

I N A S S E M B L Y

March 13, 2014

Introduced by M. of A. PEOPLES-STOKES -- read once and referred 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 the dispensing, by a pharmacist, of more than a ninety day supply of a prescription eye drop pursuant to a valid prescription

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

Section 1. Section 6810 of the education law is amended by adding a new subdivision 15 to read as follows:

15. (A) A PHARMACIST MAY DISPENSE NOT MORE THAN A NINETY DAY SUPPLY OF A PRESCRIPTION EYE DROP PURSUANT TO A VALID PRESCRIPTION THAT SPECIFIES AN INITIAL QUANTITY OF LESS THAN A NINETY DAY SUPPLY FOLLOWED BY PERIODIC REFILLS OF THAT AMOUNT IF ALL OF THE FOLLOWING REQUIREMENTS ARE SATISFIED:

(I) THE PATIENT HAS COMPLETED AN INITIAL THIRTY DAY SUPPLY OF THE PRESCRIPTION EYE DROP.

(II) THE TOTAL QUANTITY OF DOSAGE UNITS DISPENSED DOES NOT EXCEED THE TOTAL QUANTITY OF DOSAGE UNITS AUTHORIZED BY THE PRESCRIBER ON THE PRESCRIPTION, INCLUDING REFILLS.

(III) THE PRESCRIBER HAS NOT SPECIFIED ON THE PRESCRIPTION THAT DISPENSING THE PRESCRIPTION IN AN INITIAL AMOUNT FOLLOWED BY PERIODIC REFILLS IS MEDICALLY NECESSARY.

(IV) THE PHARMACIST IS EXERCISING HIS OR HER PROFESSIONAL JUDGMENT.

(B) FOR PURPOSES OF THIS SECTION, IF THE PRESCRIPTION CONTINUES THE SAME MEDICATION AS PREVIOUSLY DISPENSED IN A NINETY DAY SUPPLY, THE INITIAL THIRTY DAY SUPPLY UNDER SUBPARAGRAPH (I) OF PARAGRAPH (A) OF THIS SUBDIVISION IS NOT REQUIRED.

(C) A PHARMACIST DISPENSING AN INCREASED SUPPLY OF A PRESCRIPTION EYE DROP PURSUANT TO THIS SECTION SHALL NOTIFY THE PRESCRIBER OF THE INCREASE IN THE QUANTITY OF DOSAGE UNITS DISPENSED.

(D) IN NO CASE SHALL A PHARMACIST DISPENSE A GREATER SUPPLY OF A PRESCRIPTION EYE DROP PURSUANT TO THIS SECTION IF THE PRESCRIBER PERSONALLY INDICATES, EITHER ORALLY OR IN HIS OR HER OWN HANDWRITING,

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

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"NO CHANGE TO QUANTITY," OR WORDS OF SIMILAR MEANING. NOTHING IN THIS SUBDIVISION SHALL PROHIBIT A PRESCRIBER FROM CHECKING A BOX ON A PRESCRIPTION MARKED "NO CHANGE TO QUANTITY," PROVIDED THAT THE PRESCRIBER PERSONALLY INITIALS THE BOX OR CHECKMARK.

(E) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE A HEALTH CARE SERVICE PLAN, HEALTH INSURER, WORKERS' COMPENSATION INSURANCE PLAN, PHARMACY BENEFITS MANAGER, OR ANY OTHER PERSON OR ENTITY, INCLUDING, BUT NOT LIMITED TO, A STATE PROGRAM OR STATE EMPLOYER, TO PROVIDE COVERAGE FOR A PRESCRIPTION EYE DROP IN A MANNER INCONSISTENT WITH A BENEFICIARY'S PLAN BENEFIT.

S 2. This act shall take effect immediately.