

9528--A

I N   A S S E M B L Y

March 10, 2016

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Introduced by M. of A. SIMANOWITZ, WOERNER, CYMBROWITZ, BENEDETTO, GALEF, DINOWITZ, RA, MONTESANO, HOOPER, DUPREY, STECK, MILLER, ABINANTI, PALMESANO -- Multi-Sponsored by -- M. of A. ABBATE, CERETTO, COOK, CRESPO, GLICK, HEVESI, HYNDMAN, McLAUGHLIN, OAKS, SIMON, THIELE -- 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 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:

- 1     Section 1. The opening paragraph of paragraph (a) of subdivision 2 of  
2     section 6810 of the education law, as amended by chapter 413 of the laws  
3     of 2014, is amended to read as follows:  
4     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  
5     prescription may not be refilled more times than allowed on the  
6     prescription. The date of each refilling must be indicated on the  
7     original prescription. Prescriptions for controlled substances shall be  
8     refilled only pursuant to article thirty-three of the public health law.  
9     A PHARMACIST MAY EXERCISE HIS OR HER PROFESSIONAL JUDGEMENT IN REFILLING  
10    A PRESCRIPTION FOR A QUANTITY OF A DRUG GREATER THAN THE INITIAL QUANTITY  
11    OF A DRUG PRESCRIBED BY THE PRESCRIBING PRACTITIONER PROVIDED THAT:  
12    (I) SUCH REFILL IS MADE AFTER THE PATIENT'S INITIAL PRESCRIPTION IS  
13    DISPENSED;  
14    (II) SUCH REFILL DOES NOT EXCEED A NINETY DAY SUPPLY OF SUCH DRUG AND  
15    DOES NOT EXCEED THE TOTAL QUANTITY OF SUCH DRUG AUTHORIZED BY THE PRESCRIBER;  
16    (III) THE PRESCRIBER HAS NOT INDICATED THAT THE INITIAL QUANTITY OR  
17    REFILL QUANTITY OF THE PRESCRIBED DRUG SHALL NOT BE CHANGED;  
18    (IV) SUCH DRUG IS NOT A CONTROLLED SUBSTANCE;  
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EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [ ] is old law to be omitted.

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

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

8 S 2. This act shall take effect immediately.