

9528--A

I N A S S E M B L Y

March 10, 2016

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 instruc-
5 tion and indicates on its face the number of times it may be refilled. A
6 prescription may not be refilled more times than allowed on the
7 prescription. The date of each refilling must be indicated on the
8 original prescription. Prescriptions for controlled substances shall be
9 refilled only pursuant to article thirty-three of the public health law.
10 A PHARMACIST MAY EXERCISE HIS OR HER PROFESSIONAL JUDGEMENT IN REFILLING
11 A PRESCRIPTION FOR A QUANTITY OF A DRUG GREATER THAN THE INITIAL QUANTI-
12 TY OF A DRUG PRESCRIBED BY THE PRESCRIBING PRACTITIONER PROVIDED THAT:
13 (I) SUCH REFILL IS MADE AFTER THE PATIENT'S INITIAL PRESCRIPTION IS
14 DISPENSED;
15 (II) SUCH REFILL DOES NOT EXCEED A NINETY DAY SUPPLY OF SUCH DRUG AND
16 DOES NOT EXCEED THE TOTAL QUANTITY OF SUCH DRUG AUTHORIZED BY THE PRES-
17 CRIBER;
18 (III) THE PRESCRIBER HAS NOT INDICATED THAT THE INITIAL QUANTITY OR
19 REFILL QUANTITY OF THE PRESCRIBED DRUG SHALL NOT BE CHANGED;
20 (IV) SUCH DRUG IS NOT A CONTROLLED SUBSTANCE;

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

LBD14611-02-6

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.