

STATE OF NEW YORK

6371

2017-2018 Regular Sessions

IN ASSEMBLY

March 6, 2017

Introduced by M. of A. SIMANOWITZ, WOERNER, CYMBROWITZ, BENEDETTO, GALEF, DINOWITZ, RA, MONTESANO, HOOPER, STECK, M. G. MILLER, ABINANTI, PALMESANO -- Multi-Sponsored by -- M. of A. ABBATE, COOK, CRESPO, GLICK, HEVESI, HYNDMAN, McLAUGHLIN, OAKS, SIMON, THIELE -- read once and referred to the Committee on Higher Education

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.

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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 § 2. This act shall take effect immediately.