

STATE OF NEW YORK

5171--A

2017-2018 Regular Sessions

IN SENATE

March 10, 2017

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:

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 refill a prescription for a quantity of a drug greater
11 than the initial quantity of a drug prescribed by the prescribing prac-
12 titioner 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) refills for a ninety day supply of such drug shall not exceed more
2 than five such refills in a calendar year and shall not exceed the total
3 quantity of such drug authorized by the prescriber;

4 (vi) the pharmacist informs the prescriber of such refill as soon as
5 is reasonably possible, but no later than forty-eight hours after such
6 refill is made. The communication shall be conveyed to the prescriber
7 (i) by using an interoperable electronic medical records system, an
8 electronic prescribing technology or a pharmacy record; or (ii) by using
9 facsimile, telephone, electronic transmission, or other prevailing
10 means; and

11 (vii) the patient's pharmacy benefit health insurance policy or health
12 benefit plan, if any, will cover the refill quantity dispensed, without
13 additional co-insurance, deductible or other out-of-pocket expense
14 whether medicine is dispensed in a pharmacy or through mail order.

15 § 2. This act shall take effect immediately.