

# STATE OF NEW YORK

6492--B

Cal. No. 555

2019-2020 Regular Sessions

## IN SENATE

June 13, 2019

Introduced by Sens. RIVERA, CARLUCCI, GOUNARDES, HARCKHAM, HOYLMAN, KAPLAN, KRUEGER, MAYER, METZGER, MYRIE, PERSAUD, RAMOS, SALAZAR, SEPULVEDA, SERRANO -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee and committed to the Committee on Finance -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the public health law, in relation to drug assistance demonstration and emergency prescriptions

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The public health law is amended by adding two new sections  
2 279-a and 279-b to read as follows:

3 § 279-a. Drug assistance demonstration program. 1. The commissioner  
4 shall develop a demonstration program (the "program") to provide access  
5 to insulin and other life sustaining maintenance prescription drugs  
6 identified by the commissioner for residents of the state who are with-  
7 out health coverage, are ineligible for Medicaid or other publicly fund-  
8 ed health coverage, or are otherwise determined to be eligible by the  
9 commissioner and depend upon such medication for their survival. In  
10 developing the program the commissioner shall:

11 (a) consider modeling the program on the state's HIV/AIDS drug assist-  
12 ance program providing access to eligible individuals at certain income  
13 thresholds above the federal poverty level; and

14 (b) engage with pharmaceutical manufacturers to explore a public  
15 private partnership to bring affordable drugs through the program to  
16 eligible individuals.

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

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1 2. The commissioner shall report to the governor, the temporary presi-  
2 dent of the senate, the speaker of the assembly, and the chairs of the  
3 senate and assembly health committees on the available options to estab-  
4 lish the program, various cost sharing models for eligible participants  
5 and the related costs to the state associated with implementing the  
6 program. The report shall be a public document posted on the depart-  
7 ment's website. The report shall be issued no later than three months  
8 after the effective date of this section.

9 § 279-b. Emergency prescriptions. 1. A health care practitioner who is  
10 authorized to prescribe a drug may issue a non-patient-specific  
11 prescription for the drug to a pharmacist to dispense an emergency  
12 refill for an expired prescription for the drug, under subdivision two  
13 of this section.

14 2. A pharmacist may dispense insulin and related supplies, or other  
15 life sustaining maintenance prescription drug identified by the commis-  
16 sioner, through a non-patient-specific prescription, to an individual  
17 who has had a valid prescription for the drug during the prior twelve  
18 month period which has since expired, on an emergency basis provided the  
19 pharmacist:

20 (a) first attempts to obtain an authorization from the prescriber of  
21 the patient-specific prescription and cannot obtain the authorization,  
22 and the prescriber does not object to dispensing to the patient under  
23 the non-patient-specific prescription;

24 (b) believes that, in the pharmacist's professional judgment, the  
25 interruption of the therapy reasonably might produce an undesirable  
26 health consequence detrimental to the patient's welfare or cause phys-  
27 ical or mental discomfort;

28 (c) provides refill of the prescription and the quantity of that  
29 refill is in conformity with the directions for use under the patient-  
30 specific prescription, but limited to an amount not to exceed a thirty-  
31 day emergency supply; and

32 (d) notifies, within seventy-two hours of dispensing the refill or  
33 refills, the original prescriber that an emergency prescription has been  
34 dispensed.

35 § 2. This act shall take effect immediately.