

STATE OF NEW YORK

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2019-2020 Regular Sessions

IN ASSEMBLY

August 14, 2019

Introduced by M. of A. JOYNER, O'DONNELL, LENTOL, WILLIAMS, REYES, SEAWRIGHT, SIMON, HEVESI, FERNANDEZ, DINOWITZ, BURKE, MOSLEY, DICKENS, L. ROSENTHAL, ARROYO, FALL, SMITH, McDONOUGH, MONTESANO, ORTIZ, COLTON, THIELE, JAFFEE, GUNTHER, CRUZ, COOK, MAGNARELLI, WALKER, CARROLL, DE LA ROSA, BLAKE, GRIFFIN, D'URSO, BRONSON, DenDEKKER, BENEDETTO, SAYEGH, JACOBSON, STIRPE, MANKTELOW, GOTTFRIED, BARRON, OTIS, TAYLOR, SIMOTAS, D. ROSENTHAL, NIOU, GLICK, WOERNER, LAVINE, ABINANTI, M. G. MILLER, AUBRY, BUTTENSCHON -- Multi-Sponsored by -- M. of A. BUCHWALD, TAGUE -- read once and referred to the Committee on Health -- recommitted to the Committee on Health in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Health in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

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

4 (b) engage with pharmaceutical manufacturers to explore a public
5 private partnership to bring affordable drugs through the program to
6 eligible individuals.

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

15 § 279-b. Emergency prescriptions. 1. A health care practitioner who is
16 authorized to prescribe a drug may issue a non-patient-specific
17 prescription for the drug to a pharmacist to dispense an emergency
18 refill for an expired prescription for the drug, under subdivision two
19 of this section.

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

26 (a) first attempts to obtain an authorization from the prescriber of
27 the patient-specific prescription and cannot obtain the authorization,
28 and the prescriber does not object to dispensing to the patient under
29 the non-patient-specific prescription;

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

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

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

41 § 2. This act shall take effect immediately.