STATE OF NEW YORK

4000

2021-2022 Regular Sessions

IN SENATE

February 1, 2021

Introduced by Sen. RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the education law, in relation to prescribing insulin and related supplies; and to repeal certain provisions of the public health law relating thereto

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

Section 1. Sections 279-a and 279-b of the public health law, as added by a chapter of the laws of 2020 amending the public health law relating to drug assistance demonstration and emergency prescriptions, as proposed in legislative bills numbers S.6492-B and A.8533-B, are REPEALED.

§ 2. Insulin workgroup. 1. The commissioner of health, in consultation with the superintendent of the department of financial services, shall convene a group of experts, including persons who are insulin dependent, to explore options to increase access to insulin for residents of the state with diabetes who are without health coverage, or who are ineligible for Medicaid or other publicly funded health coverage. No later than December 31, 2021, such commissioner shall submit a report to the governor, the temporary president of the senate, the speaker of the assembly, and the chairs of the senate and assembly health committees. The report shall identify:

a. Options for enrolling uninsured eligible individuals into health coverage which provide comprehensive coverage for persons with diabetes;

b. Barriers in access to information regarding costs within the insulin supply chain;

c. Actions that could be undertaken by the state to hold manufacturers accountable for price increases and transparency in drug pricing;

d. Options for increasing affordability and access to insulin for uninsured and underinsured individuals; and uninsured and underinsured individuals; and

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

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e. Opportunities to engage with insulin pharmaceutical manufacturers for a public/private partnership to provide affordable insulin drugs to those lacking access to such drugs.

2. Analysis of these options in the report shall address:

a. Potential costs to individuals;

b. Potential fiscal impact to the state; and

c. Opportunities for federal financial participation.

3. Such report shall be posted on the department of health's website.

§ 3. Section 6801 of the education law is amended by adding a new subdivision 6 to read as follows:

6. A licensed pharmacist may execute a non-patient-specific regimen of insulin and related supplies to an individual who has a valid prescription for insulin and related supplies which has since expired within the last twelve months. The valid prescription must have been prescribed or ordered by a physician licensed in this state or nurse practitioner certified in this state. Execution of a non-patient-specific regimen shall be on an emergency basis provided the pharmacist:

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

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

(c) notifies, within seventy-two hours of dispensing the refill or refills, the prescriber of the patient-specific prescription whose authorization could not be obtained, that an emergency prescription of insulin has been dispensed.

§ 4. Section 6909 of the education law is amended by adding a new subdivision 10 to read as follows:

10. A certified nurse practitioner may prescribe and order a non-patient-specific regimen to a licensed pharmacist, for insulin and related supplies pursuant to section sixty-eight hundred one of this title.

§ 5. Section 6527 of the education law is amended by adding a new subdivision 10 to read as follows:

10. A licensed physician may prescribe and order a non-patient-specific regimen to a licensed pharmacist, for insulin and related supplies pursuant to section sixty-eight hundred one of this title.

§ 6. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2020 amending the public health law relating to drug assistance demonstration and emergency prescriptions, as proposed in legislative bills numbers S.6492-B and A.8533-B, takes effect; provided, however, that the amendments made to section 6801 of the education law by section three of this act shall not affect the expiration of such section and shall be deemed to expire therewith. Effective immediately, the commissioner of education shall make any rule or regulation necessary for the implementation of sections three, four, and five of this act on or before such effective date.