

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:

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5 REPEALED.

6 § 2. Insulin workgroup. 1. The commissioner of health, in consultation
7 with the superintendent of the department of financial services, shall
8 convene a group of experts, including persons who are insulin dependent,
9 to explore options to increase access to insulin for residents of the
10 state with diabetes who are without health coverage, or who are ineligi-
11 ble for Medicaid or other publicly funded health coverage. No later than
12 December 31, 2021, such commissioner shall submit a report to the gover-
13 nor, the temporary president of the senate, the speaker of the assembly,
14 and the chairs of the senate and assembly health committees. The report
15 shall identify:

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

18 b. Barriers in access to information regarding costs within the insu-
19 lin supply chain;

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

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

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

LBD09353-01-1

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

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

5 a. Potential costs to individuals;

6 b. Potential fiscal impact to the state; and

7 c. Opportunities for federal financial participation.

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

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

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

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

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

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

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

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

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

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

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