



**The New York State Council of Health-system Pharmacists**

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**HOUSE OF DELEGATES**

**The Sagamore Resort, Bolton Landing, NY**

**April 23 & April 24, 2015**

**REPORT OF THE VICE-PRESIDENT OF PUBLIC POLICY**

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This report is for consideration by the New York State Council of Health-system Pharmacists House of Delegates only and does not represent official policy until approved by the House of Delegates.

## REPORT OF THE VICE-PRESIDENT OF PUBLIC POLICY

### I. The Vice President, Public Policy

The Vice President of Public Policy provides information, informed opinions and guidance to the Board of Directors and the membership on current and developing legislation, rules and regulations governing the practice of pharmacy at the state and national level. The position is nominated by the Board of Directors and is elected by the House of Delegates for a 2-year term. This position reports directly to the President.

### II. Responsibilities

General and Ongoing Responsibilities External to the Council:

1. Keeps current with laws, regulation and administrative policies governing the practice of pharmacy.
2. Has direct responsibility for monitoring and reviewing legislative developments.
3. Maintains liaison with other professional health care organizations on matters related to legislation, rules and regulations affecting health care and pharmacy practice.
4. Maintains contact with the New York State Education Department regarding regulatory changes and interpretations. Maintains communications as needed.
5. Attends and testifies at State Legislature and hearings as required.
6. Maintains communications with key legislators as appropriate.

### III. Committee

2015-16 Public Policy Committee Membership:

Chapter	Committee Members (22)
Central	Gary Gonza
Leather-stocking	Kirsten Franklin
Long Island	Edmund Hayes Sue Fong Leong
Northeastern	Gina Garrison, Tom Lombardi See-Won Seo
New York City	Tom Hayden Karol Wollenburg Mary Choy Charrai Byrd Karen Berger Martha Rumore
Rochester	Gabriela Comacho Angela Nagel Jill LaVigne
Royal Counties	Fred Cassera
Westchester	Philip Manning Marie Ryan
Western	Annette Bobsein Karl Fiebelkorn Christopher Jadoch VPPP (Committee Chair)

Legislative Counsel: James Lytle, Esq., Manatt, Phelps & Phillips, LLC, Albany, NY

#### **IV. New York State Legislation**

Since my last report to the House of Delegates, elections were held in November 2014 for each of the state-wide offices and all seats in the state legislature. The new legislative session began in January 2015. Following the arrest and indictment of Speaker of the Assembly Sheldon Silver on federal corruption charges, some turmoil resulted in Albany. After the dust cleared, Carl Heastie was elected by the Assembly's Democrats to replace Silver in that house's leadership role. In so doing, Heastie essentially re-appointed the same chairs of the Assembly's committee, including Deborah Glick as Chair of the Higher Education Committee. The state budget bill initially included a 3-year extension of the current CDTM Demonstration Project. However, the proposed CDTM extension was removed from the budget bill at the request of Assemblymember / Pharmacist John McDonald. The state budget was passed on time without addressing most of the legislation being proposed during this session. Once both houses return to Albany on April 21<sup>st</sup> after an extended spring break, the majority of its work will hopefully be addressed before the legislative session ends in mid-June.

The Public Policy Committee reviewed numerous bills over this past year and listed below are highlights of those bills with any action or relevance since the last Report was delivered on February 23, 2015 at the NYSCHP Board meeting at its offices in Albany, NY. In addition to numerous lobbying activities throughout the past year as discussed below in greater detail, NYSCHP actively participated and was represented at Pharmacy Lobby Day in Albany on Tuesday, April 21, 2015. Listed below are bill numbers, primary sponsors and a brief description of the bill. Although some informational material is included, the focus is on state and federal legislation, regulations and current issues that have a direct or potential impact on the profession of pharmacy in New York State.

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#### Summary of New York State Legislation (cited April 10, 2015)

##### **CDTM Expansion**

S280 LaValle – No same as

**SUMM :** Amd §6801-a, Ed L; amd §5, Chap 21 of 2011, includes nurse practitioners as a provider of services for purposes of collaborative drug therapy management and makes the authorization for pharmacists to perform such management permanent

**Last Act:** 01/07/15 referred to Higher Ed

A5805 McDonald – No same as

**SUMM :** Amd §6801-a, Ed L; amd §5, Chap 21 of 2011, authorizes pharmacists to perform collaborative drug therapy management

**Last Act:** 03/05/15 referred to Higher Ed

##### **CDTM Extension**

A3000 BUDGET – Same as S2000 BUDGET

**SUMM :** SFY 2015-16 New York State Executive Budget extends until 2018 current provisions of law relating to authorizing pharmacists to perform collaborative drug therapy management with physicians in certain settings, primarily teaching facilities (CDTM Demonstration Project)

**Last Act:** *removed from budget bill at request of Assemblymember/Pharmacist John McDonald*

### Conscience Clause

S556 Parker – Same as A6753 BICHOTTE

**SUMM :** Add §6810-a, Ed L, establishes duties for pharmacies when pharmacists employed by such pharmacy refuse to fill prescriptions on the basis of personal beliefs; requires a pharmacy to ensure the prescription is filled by another pharmacist; requires the pharmacy to inform individuals of items not in stock and requires such items to be ordered by another pharmacist without delay; sets forth penalty provisions

**Last Act:** 01/07/15 referred to Higher Ed

**Same as A6753 Last Act:** 04/01/15 referred to Higher Ed

S2492 Krueger – No same as

**SUMM :** Amd S6810, Ed L, prohibits pharmacists from refusing to dispense medication solely for philosophical, moral, or religious reasons.

**Last Act:** 01/26/15 referred to Higher Ed

### Consumer Education and Protection

A422 Dinowitz (MS) – No same as

**SUMM :** Add §224, Eld L, provides for the creation of a drug guide for seniors regarding the drugs commonly used by people over 62 years of age; provides that such guide will include functions and drug interactions.

**Last Act:** 01/07/15 referred to Aging

A468 Cymbrowitz (MS) -- Same as S627 VALESKY

**SUMM :** Add §391-oo, Gen Bus L, regulates the sale of methamphetamine precursor drugs.

**Last Act:** 01/07/15 referred to Consumer Affairs and Protection

**Same as S627 Last Act:** 01/07/15 referred to Consumer Protection

A1215 Cahill – No same as

**SUMM :** Add §392-k, Gen Bus L, provides for the proper packaging and labeling of pharmaceutical drugs; creates penalties for intentional fraudulent replacement, packaging, and labeling of such drugs; provides for better consumer protection.

**Last Act:** 01/08/15 referred to Consumer Affairs and Protection

A2283 Gottfried -- Same as S718 RIVERA

**SUMM :** Amd §§2 & 461-d, Soc Serv L, relates to rights of residents of adult care facilities; provides that residents have a right to be informed about their condition, treatment and medications.

**Last Act:** 01/15/15 referred to Health

**Same as S718 Last Act:** 01/07/15 referred to Social Services

A2817 Weprin -- Same as S202 LAVALLE

**SUMM :** Amd Art 38-A Art head, §820, Gen Bus L, makes it illegal to knowingly alter, mutilate, destroy, obstruct, obscure or remove, by means of a sticker, tag or other device used to deter theft, or a price sticker, or otherwise, the whole or any part of the label including where applicable the expiration date displayed thereon, of any over-the-counter drug or cosmetic.

**Last Act:** 01/20/15 referred to Consumer Affairs and Protection

**Same as S202 Last Act:** 01/07/15 referred to Consumer Protection

### Cost Containment

A1999 Dinowitz -- Same as S470 DIAZ

**SUMM :** Add §249-a, Eld L, relates to establishing the NYS prescription medication cost containment program.

**Last Act:** 01/13/15 referred to Aging

**Same as S470 Last Act:** 01/07/15 referred to Aging

A4477 Ramos -- Same as S695 AVELLA

**SUMM:** Amd §§3216, 3221 & 4303, Ins L, provides that every insurance policy which provides coverage for prescription drugs shall insure that there is continuous coverage of a single source drug that is part of a prescribed therapy until such prescribed therapy is no longer medically necessary for the enrollee of such policy; defines "single source drug".

**Last Act:** 02/02/15 referred to Insurance

**Same as S695 Last Act:** 01/07/15 referred to Insurance

A5449 Englebright (MS) – No same as

**SUMM :** Amd §2803-e, Pub Health L, provides that residential health care facilities may return and redistribute unused medication provided that such medication is in the manufacturer's original, tamper evident packaging; directs the commissioner of health to establish a reasonable fee of reimbursement of costs related to the receipt, restocking and redistribution of such medication payable to the pharmacy to which such medication is returned.

**Last Act:** 02/23/15 referred to Health

S461 Diaz – Same as A6718 CRESPO

**SUMM :** Add §159-d, Civ Serv L, relates to establishing the New York state prescription medication cost containment program.

**Last Act:** 01/07/15 referred to Civil Service and Pensions

**Same as S470 Last Act:** 03/30/15 referred to Governmental Employees

### Criminal Offenses

A61 Paulin – No same as

**SUMM :** Add §6810-a, Ed L, relates to the unlawful transaction of prescription drugs; provides that a violation of this section is a class D felony and drugs packaged, sold, transferred, distributed, or delivered in violation of the section are subject to seizure.

**Last Act:** 01/07/15 referred to Higher Ed

A1238 Lavine – Same as S4023 SKELOS (MS)

**SUMM :** Add §220.66, Pen L, establishes the class B felony of criminal sale of a controlled substance upon the grounds of a drug or alcohol treatment center.

**Last Act:** 01/08/15 referred to Codes

**Same as S4023 Last Act:** 02/26/15 referred to Codes

A4061 McKeivitt (MS) – No same as

**SUMM :** Amd §265.09, Pen L, increases penalties for criminal use of a firearm in the first degree when committing a drug related felony offense.

**Last Act:** 01/29/15 referred to Codes

A4175 Kearns – No same as

**SUMM :** Add §220.66, Pen L, criminalizes the sale, use and possession of synthetic drugs; provides various definitions for types of synthetic drugs.

**Last Act:** 01/29/15 referred to Codes

A4825 Cusick (MS) – Same as S3494 LANZA

**SUMM :** Add §220.80, Pen L, establishes the crime of larceny of a controlled substance making it an A-II felony to steal a schedule II, III, IV, or V controlled substance from a pharmacy.

**Last Act:** 02/06/15 referred to Codes

**Same as S3494 Last Act:** 02/10/15 referred to Codes

S210 Martins – Same as A3931 McKEVITT (MS)

**SUMM :** Amd §§178.10, 178.15, 178.20, 178.25 & 220.65, Pen L, increases penalties for the crimes of criminal diversion of prescription medications and prescriptions in the first, second, third and fourth degrees and criminal sale of a prescription.

**Last Act:** 01/07/15 referred to Codes

**Same as A3931 Last Act:** 01/28/15 referred to Codes

S1355 Klein -- Same as A987 RODRIGUEZ

**SUMM :** Amd §§140.00, 140.15, 140.25 & 140.30, Pen L, elevates the severity of criminal trespass and burglary offenses committed upon the premises of a pharmacy.

**Last Act:** 01/12/15 referred to Codes

**Same as A987 Last Act:** 01/08/15 referred to Codes

### **Dietary and Nutritional Supplements**

S15 Lavalle –No same as

**SUMM :** Amd §214-m, Ag & Mkts L, provides that no person shall manufacture, sell or expose for sale any product which shall be termed as a dietary supplement or nutritional supplement without branding or labeling such product with a statement that the product has or has not been tested by the United States food and drug administration; provides that the commissioner of agriculture and markets shall promulgate rules and regulations defining the terms dietary supplement and nutritional supplement.

**Last Act:** 01/07/15 referred to Agriculture

### **Disclosure of Addiction Risks**

A881 Cymbrowiz (MS) – No same as

**SUMM :** Amd §19.09, Ment Hyg L, relates to the distribution of educational materials regarding the misuse of and addiction to prescription drugs.

**Last Act:** 01/08/15 referred to Alcoholism and Drug Abuse

### **Dispensing by Non-pharmacist Practitioners**

**A5929 Pichardo (MS)** – No same as

**SUMM :** Amd §§6802 & 6807, Ed L, enacts the "topical medication safety and efficacy act"; relates to the dispensing of topical pharmaceuticals.

**Last Act:** 03/09/15 referred to Higher Ed

**S4313 Seward** – No same as

**SUMM :** Amd §§6802 & 6807, Ed L, relates to the topical medication safety and efficacy act.

**Last Act:** 03/12/15 referred to Higher Ed

### **Drug Disposal**

**A710 Englebright** – No same as

**SUMM :** Ren Art 27 Title 27 §§27-2701 & 27-2703 to be Title 28 §§27-2801 & 27-2803, add §§27-2805, 27-2807 & 27-2809, En Con L, provides that drugs shall only be disposed of by means of a drug manufacturer collection program; requires all drug manufacturers to establish and conduct a collection program for expired and unused drugs; requires manufacturers to dispose of drugs in an environmentally sound manner.

**Last Act:** 01/07/15 referred to Environmental Conservation

**A1001 Miller (MS)** – No same as

**SUMM :** Add Art 2-B §§290 & 291, Pub Health L, establishes the disposal of prescription drugs program, implementing a system by which pharmacies accept and dispose of any unused portions of prescription drugs prescribed to residents in this state.

**Last Act:** 01/08/15 referred to Health

**A2855 Englebright (MS)** – No same as

**SUMM :** Add §§2811-a & 3317, Pub Health L, requires drug manufacturers to collect unused and expired drugs from hospitals and residential health care facilities for environmentally sound disposal thereof.

**Last Act:** 01/20/15 referred to Health

### **Drug Reimportation**

**A2288 Englebright (MS)** – No same as

**SUMM :** Add Art 38-B §§830 & 831, Gen Bus L, relates to consumer protection from prescription drug reimportation and unlawful practices and enforcement and penalties.

**Last Act:** 01/15/15 referred to Consumer Affairs and Protection

**S439 Gallivan** – No same as

**SUMM :** Add Art 38-B §§830 & 831, Gen Bus L, relates to consumer protection from prescription drug reimportation and unlawful practices and enforcement and penalties.

**Last Act:** 01/07/15 referred to Consumer Protection

### **Drug Repository Programs**

**A2622 Morelle (MS)** – No same as

**SUMM :** Add §6832, Ed L, establishes under the direction of the state board of pharmacy a drug repository program to accept and dispense donated drug prescriptions; authorizes such board and the commissioner of health to promulgate rules and regulations; makes definitions; exempts such persons or entities who dispense such donated drugs from criminal or tort liability or professional disciplinary action.

**Last Act:** 01/20/15 referred to Higher Ed

### **Electronic Prescribing**

**A4274 McDonald** – Same as S2486 HANNON

**SUMM :** Add §220.80, Pen L, establishes the crime of larceny of a controlled substance making it an A-II felony to steal a schedule II, III, IV, or V controlled substance from a pharmacy.

**Last Act:** 02/25/15 passed Assembly

**Same as S2486 Last Act:** 02/10/15 passed Senate

**Signed into law by Governor 3/13/15 Chap. 13**

### **End of Life Issues**

**A2129 Rosenthal** – No same as

**SUMM :** Add Art 28-F §§2899-d - 2899-z, Pub Health L, establishes "the death with dignity act"; allows terminally-ill New Yorkers to end their lives through the voluntary self-administration of lethal medications, expressly prescribed by a physician for that purpose; requires a consulting physician to examine the patient and confirm, in writing, the attending physician's diagnosis that the patient is suffering from a terminal disease, and verify that the patient is capable, is acting voluntarily and has made an informed decision; requires an informed decision by the patient; a patient shall make an oral and written request, and reiterate the oral request to his or her attending physician no less than fifteen days after making the initial oral request; a patient may rescind his or her request at any time and in any manner without regard to his or her mental state; New York state residency required; requires reporting by the state board for medicine.

**Last Act:** 01/15/15 referred to Health

**A5261 Paulin (MS)** – No same as

**SUMM :** Add Art 28-F §§2899-d - 2899-n, Pub Health L, relates to patient self-determination at end of life; authorizes a physician with a bona fide physician-patient relationship with a patient with a terminal illness or condition to prescribe a lethal dose of the medication to be self-administered; terminal illness or condition means an illness or condition which can reasonably be expected to cause death within six months, whether or not treatment is provided; provides immunity to health care providers.

**Last Act:** 02/13/15 referred to Health



**S3685 Savino** – No same as

**SUMM :** Add Art 29-cccc §§2994-aaa - 2994-qqq, Pub Health L, establishes the New York end of life options act; authorizes the prescription of aid-in-dying medication to individuals with terminal illnesses; terminal illness means incurable and irreversible illness that has been medically confirmed that will result in death within six months; form must be signed by the qualified individual and by two witnesses; no liability or sanctions where the health care provider participates in good faith.

**Last Act:** 02/13/15 referred to Health

### **Experimental Drug Testing**

**A3905 Wright (MS)** -- No same as

**SUMM :** Amd §617, NYC Chart, requires the New York city commissioner of the administration of children's services to obtain an order of consent from the court before allowing experimental drug testing on children under the care and/or control of the administration of children's services.

**Last Act:** 01/28/15 referred to Health

### **Expiration Dates & Safe Drug Handling**

**A1615 Gottfried (MS)** -- No same as

**SUMM :** Add Art 33-B §3398, Pub Health L, enacts requirements relating to the safe handling of prescription drug samples by certain health care professionals; requires maintenance of certain records and information regarding samples received and distributed including expiration dates.

**Last Act:** 03/05/15 advanced to third reading Cal. 69

### **Gift and Marketing Disclosure**

**A3680 DiPietro (MS)** -- No same as

**SUMM :** Add Art 2 Title 7 §§267 - 267-e, Pub Health L, enacts the New York state pharmaceutical drug manufacturer and wholesaler disclosure act; requires pharmaceutical drug manufacturers and wholesalers to annually report to the New York department of health, for disclosure to the general public, all of its gifts to health care practitioners that prescribe drugs when such gifts have a value of seventy-five dollars or more; authorizes the commissioner of health to impose penalties and promulgate necessary rules and regulations.

**Last Act:** 01/27/15 referred to Health

**S2623 Krueger** – No same as

**SUMM :** Amd §206, Pub Health L, requires the commissioner to conduct a cost/benefit analysis of pharmaceutical advertising and promotional activities associated with the provision of prescription drugs to citizens in this state.

**Last Act:** 01/27/15 referred to Health

**S2625 Krueger** – No same as

**SUMM** : Amd §206, Pub Health L; amd §§208 & 612, Tax L, requires manufacturers and labelers of prescription drugs dispensed in this state which engage in marketing activities in the state to annually report marketing expenses to the department of health; imposes a \$10,000 civil fine for failure to report; eliminates deductibility for certain expenses incurred in the advertising of prescription drugs.

**Last Act:** 01/27/15 referred to Health

### **Immunizations**

**A123 Paulin (MS)** -- No same as

**SUMM** : Amd §§6527, 6909, 6801 & 6802, Ed L; amd §4, Chap 274 of 2013; amd §8, Chap 563 of 2008; amd §§5 & 6, Chap 116 of 2012, relates to the administration of certain immunizations; requires immunizing agents be administered to adults by pharmacists; authorizes a licensed pharmacist and certified nurse practitioner to administer certain immunizing agents and meningococcal disease immunizing agents; makes provisions permanent.

**Last Act:** 01/7/15 referred to Higher Ed

**A1536 Abinanti** -- No same as

**SUMM** : Add §2113, Pub Health L, requires authorized health care professionals, prior to administering a vaccine, to provide patients with information relating to genetically modified organisms, and provide them the option to receive a non-genetically modified organism vaccine.

**Last Act:** 03/18/15 enacting clause stricken

**A1706 Abinanti** -- No same as

**SUMM** : Add §2113, Pub Health L, bans the use of vaccines containing genetically modified organisms.

**Last Act:** 03/18/15 enacting clause stricken

**A2447 Abinanti** -- No same as

**SUMM** : Add §2113, Pub Health L, relates to the labeling of vaccines containing genetically modified organisms.

**Last Act:** 01/16/15 enacting clause stricken

**S3898 Hoylman** – No same as

**SUMM** : Amd §2168, Pub Health L, relates to adult immunization reporting requirements (any health care provider who administers any vaccine to a person nineteen years of age or older, shall report, with the consent of the vaccinee, all such immunizations to the department in a format prescribed by the commissioner within fourteen days of administration of such immunizations).

**Last Act:** 02/20/15 referred to Higher Ed

**S3899 Hoylman** – No same as

**SUMM** : Amd §6801, Ed L, relates to the practice of pharmacy and administration of immunizations (authorizes pharmacists to administer immunizations to prevent influenza to a person nine years of age or older).

**Last Act:** 02/20/15 referred to Higher Ed

**S3900 Hoylman** – No same as

**SUMM :** Amd §§6527, 6909, 6801 & 6802, Ed L; amd §8, Chap 563 of 2008; amd §§5 & 6, Chap 116 of 2012; amd §4, Chap 274 of 2013, relates to the administration of certain immunizations; requires immunizing agents be administered to adults by pharmacists; authorizes a licensed pharmacist and certified nurse practitioner to administer certain immunizing agents and meningococcal disease immunizing agents; makes provisions permanent.

**Last Act:** 02/20/15 referred to Higher Ed

### **Medical Marijuana**

**A3089-A Peoples-Stokes (MS)** – Same as S1747 KRUEGER

**SUMM :** Amd Various Laws, generally, enacts the "marihuana regulation and taxation act"; relates to the description of marihuana, and the growing of and use of marihuana by persons eighteen years of age or older; makes technical changes regarding the definition of marihuana; relates to the qualification of certain offenses involving marihuana and exempts certain persons from prosecution for the use, consumption, display, production or distribution of marihuana; provides for the licensure of persons authorized to produce, process and sell marihuana; levies an excise tax on certain sales of marihuana; repeals certain provisions of the penal law relating to the criminal sale of marihuana and provisions of the general business law relating to drug paraphernalia; makes an appropriation therefor.

**Last Act:** 03/02/15 amend and recommit to Codes, print number 3089-A

**Same as S1747 Last Act:** 01/14/15 referred to Finance

### **Pain Management**

**A2230 Gottfried (MS)** – No same as

**SUMM :** Add Art 28-F §§2899-b - 2899-e, Pub Health L, requires health care professionals to order, prescribe, administer and dispense pain-relieving medications in accordance with professional standards and guidelines.

**Last Act:** 01/15/15 referred to Health

### **Pharmaceutical Substitution**

**A145 Paulin (MS)** – No same as

**SUMM :**

Rpld §206 sub 1 (o), add §280-a, Pub Health L; amd §§6810 & 6816-a, Ed L, requires the commissioner of health to establish and publish a list of generic drug products.

**Last Act:** 02/10/15 reported referred to Codes

**A722 Rosenthal** -- No same as

**SUMM :** Amd §6816-a, Ed L, requires written notification to patients where a pharmacist is substituting a generic version of a drug product by one manufacturer for a generic version of a drug product by another manufacturer.

**Last Act:** 01/07/15 referred to Higher Ed

A2308 Gottfried (MS) -- Same as S2219 RIVERA

**SUMM** : Amd §365-a, Soc Serv L, provides that the commissioner of health may exempt certain brand name drugs so that they fall under medical assistance umbrella.

**Last Act**: 01/15/15 referred to Health

**Same as S2219 Last Act**: 01/22/15 referred to Health

A2382 Crouch (MS) -- No same as

**SUMM** : Amd §6810, Ed L, authorizes a pharmacist to substitute a brand name prescription drug for the generic equivalent of such drug if requested to do so by the patient and record the request.

**Last Act**: 01/16/15 referred to Consumer Affairs and Protection

A2991 Aubry (MS) -- No same as

**SUMM** : Add §3346, Pub Health L; amd §6816-a, Ed L, prohibits a pharmacist from substituting any anti-epileptic drug for the prescribed anti-epileptic drug without notification of and the informed consent of the prescriber and patient or such patient's parent, guardian or spouse.

**Last Act**: 01/20/15 referred to Higher Ed

A4605 Cymbrowitz (MS) -- No same as

**SUMM** : Amd §6810, Ed L, requires notification by a prescriber or pharmacist of the substitution of one generic drug product for another generic drug product; oral and written notification.

**Last Act**: 02/04/15 referred to Higher Ed

A4785 Butler -- No same as

**SUMM** : Amd §6816-a, Ed L, requires the brand name of a prescribed drug to be indicated on the label when substitute drug products are dispensed.

**Last Act**: 02/06/15 referred to Consumer Affairs and Protection

### **Pharmacy Benefit Managers & Third Party Payers**

A676-B Rosenthal (MS) -- Same as S3346-A HANNON

**SUMM** : Add §280-a, Pub Health L, relates to establishing a pharmacy benefit manager contract appeals process.

**Last Act**: 03/24/15 amend and recommit to Health, print 676-B

**Same as S3346-A Last Act**: 03/20/15 amend and recommit to Health, print number 3346-A

A1174 Rodriguez (MS) -- No same as

**SUMM** : Add §365-i, rpld §364-j subs 25 & 25-a, rpld & add §369-ee sub 2-b, Soc Serv L; amd §§2511, 270 & 272, Pub Health L, relates to prescription drugs in Medicaid managed care programs (“prescriber prevails” principle).

**Last Act**: 02/26/15 referred to Codes

A1832 Gunther (MS) -- No same as

**SUMM** : Amd §365-a, Soc Serv L, prohibits Medicaid's use of any prior approval or preferred drug list requirement for AIDS, HIV, infection, or hepatitis C.

**Last Act**: 01/13/15 referred to Health

A2210 Gottfried (MS) -- No same as

**SUMM :** Amd §4406-c, Pub Health L; amd §§3217-b & 4325, Ins L, relates to certain prohibitions in contracts or agreements by health maintenance organizations; prohibits clauses which entitle reimbursement at the lowest price or rate; prohibits contracts which restrict referral of patients based solely upon a health care provider's status with a managed care product; prohibits disclosure of an enrollee's diagnosis on a prescription as a condition for authorizing coverage for payment or dispensing of a prescription; and prohibits contracts which allow for the substitution of a pharmaceutical drug or agent by any person other than the prescribing health care professional.

**Last Act:** 03/03/15 referred to Ways and Means

A2280 Englebright (MS) -- No same as

**SUMM :** Add Art 2 Title 5 §260, Eld L, creates the state pharmaceutical local choice program to require that prescription drug plans within health insurance policies permit insureds who are 60 years of age or older to obtain pharmaceuticals from local pharmacies.

**Last Act:** 01/15/15 referred to Aging

A2291 Gottfried (MS) -- No same as

**SUMM :** Add Art 2-A Title II-A §§280 - 280-g, renumber §280 to be §280-h, amd §280-h, rpld §280-h, Pub Health L, establishes the prescription drug discount program; establishes that the purpose of the program is to provide access to prescription drugs to participants at a discounted price and to allow for the negotiating of rebates that are exempt from the "best price" rule of the federal social security act; provides for the distribution of rebate funds and repeals a certain provision of the public health law relating thereto.

**Last Act:** 01/15/15 referred to Health

A2312 Gottfried (MS) -- No same as

**SUMM :** Add §280-a, Pub Health L, provides for pharmacy benefit management and the procurement of prescription drugs to be dispensed to patients, or the administration or management of prescription drug benefits; sets forth definitions; provides for funds received by a pharmacy benefit manager to be received by the pharmacy in trust for the health plan or provider and provides for accountability of such funds.

**Last Act:** 01/15/15 referred to Health

A3273 Titus -- No same as

**SUMM :** Amd §§3221, 3216 & 4303, Ins L, instructs the superintendent of insurance to deny policies imposing drug tiers based on expense or disease category and charging cost-sharing percentage for prescription drugs.

**Last Act:** 01/22/15 referred to Insurance

A4871 Perry (MS) -- No same as

**SUMM :** Add Art 2-B §§285 - 285-c, Pub Health L, prohibits pharmacy benefits managers, HMOs, insurers and health plans from offering incentives to health care providers to switch from one prescription drug to another specific prescription drug.

**Last Act:** 02/09/15 referred to Health

A4906 Curran (MS) -- No same as

**SUMM :** Amd §§3216, 3221 & 4303, Ins L, prohibits health insurers from requiring that the insured purchase prescribed drugs from a mail order pharmacy or pay a co-payment fee when such purchases are not made from a mail order pharmacy if a similar fee is not charged for drugs from a mail order pharmacy.

**Last Act:** 02/09/15 referred to Insurance

**A5178 Paulin (MS)** -- Same as S4365 KRUEGER

**SUMM :** Amd §§3216, 3221 & 4304, Ins L; amd §207, Pub Health L, provides for the dispensing of emergency contraception when provided pursuant to an ordinary prescription or order and when lawfully provided other than through a prescription or order; "emergency contraception" means one or more prescription or non-prescription drugs, used separately or in combination, in a dosage and manner for preventing pregnancy when used after intercourse, found safe and effective for that use by the United States food and drug administration, and dispensed or administered for that purpose.

**Last Act:** 02/12/15 referred to Insurance

**Same as S4365 Last Act:** 03/17/15 referred to Insurance

**S312 DeFrancisco** -- No same as

**SUMM :** Amd §367-a, Soc Serv L, requires the collection of prescription drug co-payments at the point of sale in pharmacies.

**Last Act:** 01/07/15 referred to Health

**S668 Kennedy** -- No same as

**SUMM :** Amd §§3216, 3221 & 4303, Ins L, requires insurance companies to provide coverage for opioid-addiction treatment medications.

**Last Act:** 01/07/15 referred to Insurance

**S695 Avella** -- Same as A4477 RAMOS

**SUMM :** Amd §§3216, 3221 & 4303, Ins L, provides that every insurance policy which provides coverage for prescription drugs shall insure that there is continuous coverage of a single source drug that is part of a prescribed therapy until such prescribed therapy is no longer medically necessary for the enrollee of such policy; defines "single source drug".

**Last Act:** 01/07/15 referred to Insurance

**Same as A4477 Last Act:** 02/02/15 referred to Insurance

**S1800 LaValle** -- Same as A3120 MORELLE (MS)

**SUMM :** Amd §3216, Ins L; amd §§3332, 3333 & 3339, Pub Health L; amd §365-a, Soc Serv L, prohibits insurance companies from limiting the quantity of drugs dispensed pursuant to a prescription; increases the quantity of drugs that may be prescribed from a thirty day supply to a ninety day supply.

**Last Act:** 01/14/15 referred to Insurance

**Same as A3120 Last Act:** 01/22/15 referred to Insurance

**S2530 Golden** -- Same as A6194 JOYNER (MS)

**SUMM :** Amd §§3216, 3221 & 4303, Ins L, relates to the purchase (in context of reimbursement) of prescription drugs.

**Last Act:** 01/26/15 referred to Insurance

**Same as A6194 Last Act:** 03/16/15 referred to Insurance

**S3250 Little** -- Same as A5174 MCDONALD (MS)

**SUMM :** Amd §§3216, 3221 & 4303, Ins L, requires policies providing prescription drug coverage to cover vitamins and supplements to mitigate the symptoms of mitochondrial disease.

**Last Act:** 02/03/15 referred to Insurance

**Same as A5174 Last Act:** 02/12/15 referred to Insurance

### **Pharmacy Technicians**

**S1883 Griffo** – Same as A4841 ENGELBRIGHT (MS)

**SUMM :** Add §6805-a, Ed L, establishes requirements for certification as a pharmacy technician; establishes no person shall act as a pharmacy technician unless registered by the state board of pharmacy.

**Last Act:** 01/15/15 referred to Higher Education

**Same as A4841 Last Act:** 02/09/15 referred to Higher Education

### **Prescribing by Optometrists**

**A2803 Paulin (MS)** – Same as S2063 LIBOUS

**SUMM :** Amd §7101-a, Ed L, authorizes optometrists certified to use therapeutic pharmaceutical agents for the treatment or prevention of ocular disease, to also use specified oral pharmaceutical agents in their practices; requires completion of a 30 hour phase three therapeutic pharmaceutical agent certification course; permits the commissioner of health to recommend other categories of drugs that may also be prescribed.

**Last Act:** 01/20/15 referred to Higher Ed

**Same as S2063 Last Act:** 01/21/15 referred to Higher Ed

### **Prescription Medication Abuse**

**A881 Cymbrowitz (MS)** – No same as

**SUMM :** Amd §19.09, Ment Hyg L, relates to the distribution of educational materials regarding the misuse of and addiction to prescription drugs.

**Last Act:** 01/08/15 referred to Alcoholism and Drug Abuse

**S609 Boyle** – Same as A6336 ORTIZ

**SUMM :** Amd §3331, Pub Health L, requires baseline and periodic and/or targeting drug testing to be utilized by clinicians prescribing prescription narcotic drugs.

**Last Act:** 01/07/15 referred to Health

**Same as A6336 Last Act:** 03/20/15 referred to Health

**S651 Kennedy** – No same as

**SUMM :** Add §§6524-a & 6905-a, amd §6827, Ed L, relates to continuing medical education requirements for doctors, nurses and pharmacists; requires three hours of training on the prevention, treatment and mitigation of opiate analgesics and psychotropic drug addiction.

**Last Act:** 01/07/15 referred to Higher Ed

**S660 Kennedy** – No same as

**SUMM :** Add §3317, Pub Health L; add §19.18-b, Ment Hyg L, requires disclosure of addiction risks for certain prescription drugs; requires physicians, nurses and pharmacists to provide information on prevention, mitigation and treatment of prescription drug addiction and to have the patient sign a form acknowledging education of such risks.

**Last Act:** 01/07/15 referred to Health

### **Registration**

**A60 Paulin (MS)** – Same as S3487 LANZA

**SUMM :** Amd §6808, Ed L, relates to applicant registration for wholesalers or manufacturers of prescription drugs; defines criminal history search.

**Last Act:** 01/7/15 referred to Higher Education

**Same as S3487 Last Act:** 02/10/15 referred to Higher Education

### **Telepharmacy**

**A5091 Blankenbush (MS)** – No same as

**SUMM :** Amd §6802, add §6832, Ed L, establishes and authorizes telepharmacy in this state; defines terms; creates telepharmacy satellite consultation sites and telepharmacy in hospitals; authorizes the filling of prescriptions at remote sites connected to central pharmacies via computer link, videolink and audiolink; makes exceptions.

**Last Act:** 02/12/15 referred to Higher Ed

### **Tobacco Sales**

**S2909 Lanza** – No same as

**SUMM :** Add §1399-dd-1, Pub Health L, provides for the prohibition of sale of tobacco products at pharmacies and pharmacy departments.

**Last Act:** 01/30/15 referred to Health

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## **V. New York State Regulatory Issues**

**Proposed regulations** published with 45-day public comment period in “NYS Register/December 31, 2014” regarding “Medical Use of Marihuana” Amendment of Subpart 55-2; and addition of Subpart 80-1 to Title 10 NYCRR.

- **Note:** public comment submitted by NYSCHP on February 13, 2015 (see “IX. Public Policy Activities” section below)



## VI. Federal Legislation & Regulatory Issues

- On February 13, 2015, FDA issued five (5) new draft documents related to compounding and repackaging of human drugs. The draft guidance documents will help pharmacies, physicians, and outsourcing facilities comply with important public health provisions under the Drug Quality and Security Act (DQSA) enacted by Congress in November 2013. The draft guidance documents are available for public comment for 90 days:
  - [Draft Guidance: For Entities Considering Whether to Register As Outsourcing Facilities under Section 503B of the Federal Food, Drug, and Cosmetic Act](#)
  - [Draft Guidance for Industry: Repackaging of Certain Human Drug Products by Pharmacies and Outsourcing Facilities](#)
  - [Draft Guidance for Industry: Mixing, Diluting, or Repackaging Biological Products Outside the Scope of an Approved Biologics License Application \(BLA\)](#)
  - [Draft Guidance for Industry: Adverse Event Reporting for Outsourcing Facilities under Section 503B of the Federal Food, Drug, and Cosmetic Act](#)
  - [Draft Memorandum of Understanding Between A State and the U.S. Food and Drug Administration Addressing Certain Distributions of Compounded Human Drug Products](#)

For complete information go to link:

[http://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm434270.htm?source=govdelivery&utm\\_medium=email&utm\\_source=govdelivery](http://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm434270.htm?source=govdelivery&utm_medium=email&utm_source=govdelivery)

- FDA approval of first biosimilar drug Zarxio® (filgrastim-sndz) for Amgen's Neupogen® on March 6, 2015
- **S.[no bill number]: Compassionate Access, Research Expansion and Respect States (CAREERS) Act**, Sponsors: Booker (D-NY), Gillibrand (D-NY), Paul (R-KY); introduced 03/10/2015  
SUMM : Medical marijuana remains illegal under federal law, leaving patients and providers vulnerable to arrest even if they are in compliance with their state laws. As a currently classified Schedule I drug, federal law restricts medical marijuana research, as well as fair and safe financial services for medical marijuana-related businesses. The pending legislation is proposing to:
  - (1) Recognize States' Responsibility to Set Medical Marijuana Policy & Eliminate Potential Federal Prosecution
  - (2) Reschedule Marijuana from Schedule I to Schedule II, Recognizing "Accepted Medical Use"
  - (3) Allow States to Import Cannabidiol (CBD), Recognized Treatment for Epilepsy and Seizure Disorders
  - (4) Provide Veterans Access
  - (5) Permit Financial Services and Banking for Marijuana Dispensaries
  - (6) Expand Opportunities for Research

## VII. Charges from 2014 NYSCHP House of Delegates

The following items were designated for VP Public Policy/Public Policy Committee:

A.) Resolutions:

No Resolutions for House consideration

B.) Recommendations:

1. (HOD Rec #5) Request that the OIG report on compounding be sent to committee for appropriate updating of relevant NYSCHP documents.
  - a. Recommendation premature since draft guidelines just released on February 13, 2015 with 90-day public comment period. Final guidelines pending.
2. (HOD Rec #12) Recommend that NYSCHP review the position statement on the “handling of hazardous drugs” to include potential new guidelines that will in the final USP Chapter 800 Report 2014
  - a. Recommendation premature since new guidelines not proposed to be finalized until May 31, 2015

C.) Sunset Policies:

Each of the following position statements for sunset review is listed as a separate addendum for consideration/discussion by the House of Delegates:

**3-10** The New York State Council of Health-system Pharmacists provides updated notification, education and resources to members regarding how new federal health-care legislation will affect health-system pharmacy practice in New York State.

***Public Policy Committee recommends sunseting***

**5-10** The New York State Council of Health-system Pharmacists (NYSCHP) supports the authorization of pharmacy interns who have completed immunizer training and other requirements to participate in immunization activities as per NYS legislation under the direct supervision of a licensed pharmacist and certified immunizer.

***Public Policy Committee recommends re-adoption***

**6-10 Pediatric Medication Safety.** The Position Statement of the New York State Council of Health-system Pharmacist’s Pediatric Safety Committee. The intricate nature of pediatrics (neonates to adolescents) requires that there be a unified pharmacy voice, advocating a comprehensive approach to reducing medication errors as well as promoting preventative care. Consistent with our professional mission, NYSCHP strives to promote safety and well-being by heighten awareness of contributory factors to medication errors, encouraging multidisciplinary risk reduction-strategy dialog, as well as promoting strategies which foster safety and well-being within our pediatric community. Understanding the unique nature of pediatrics, NYSCHP will focus on enhancing professional knowledge, promoting contribution to the medical and quality improvement literature, as well as influence systems designs and decision support to address specific pediatric needs. NYSCHP supports recommendations from federal, state, and local regulatory agencies, professional organizations such as American Society of Health-System Pharmacists, health care regulatory entities, such as Joint Commission on the Accreditation of Healthcare Organizations, as well as professional patient advocacy organizations such as the Institute for Healthcare Improvement, whose missions’ include promoting overall patient safety. NYSCHP will strive to positively influence laws and regulations independently, as well as in collaboration with other organizations and or regulatory authorities to promote safer medication practices as well as advocating for overall improvements in pediatric care.

*Public Policy Committee recommends sunseting.*

**9-10** New York State Council of Health-System Pharmacists supports the prohibition of the sale and/or distribution of tobacco products in any pharmacy or establishment that has a pharmacy department within.

*Public Policy Committee recommends sunseting.*

**VIII. Lobbying forums**

- In anticipation of garnering legislative support during the 2015 legislative session, NYSCHP (represented by various officers and leaders) participated in the following key lobbying opportunities using PAC funds:

<b>Event Date</b>	<b>Member Name</b>	<b>Location</b>	<b>Amount</b>	<b>NYSCHP represented by:</b>
Tuesday, May 20, 2014	Senator Kenneth P. LaValle	Albany	\$500 pp	Liz Shlom, BOD
Wednesday, May 28, 2014	Assem. Richard Gottfried	Albany	\$300 \$500 \$1,000	
Thursday, May 29, 2014	Assem. Amy Paulin	White Plains	\$300 \$750	Joe Pinto, BOD
Wednesday, June 4, 2014	Assem. Steve Englebright	East Setauket	\$250 \$500	Ed Hayes, Public Policy Committee
Friday, June 13, 2014	Speaker Sheldon Silver AND Democratic Assembly Campaign Committee	New York, NY	\$1,000	Bob DiGregorio, BOD

- NYSCHP represented by President Elizabeth Shlom, Executive Director Shaun Flynn, VPPP Christopher Jadoch, and Lobbyist James Lytle, Esq. at meetings in Albany, NY on January 30, 2015 with Franklin Esson (Legislative Aide to Senator Kenneth LaValle, Chair of Senate Higher Education Committee) and Nicole Stewart, Esq. (Assistant Counsel, Majority Coalition Leader Senator Dean Skelos)

## **IX. Public Policy activities**

- New York State Pharmacy Conference, PSSNY office, Albany, NY, June 17, 2014, NYSCHP represented by Executive Director Debra Feinberg and VPPP Christopher Jadoch
- Memorandum of support NOT sent by NYSCHP in July 2014 regarding a bill implementing a drug disposal demonstration program (A.5465-A / S.3985-A). After thorough review by VPPP, Executive Director and Council's Lobbyist, it was determined that the bill related primarily to a community issue that was not of particular interest to our membership of health-system pharmacists. Thus, NYSCHP did not respond.
- Memorandum of Support sent by NYSCHP to NYS bill sponsors on or about July 2, 2014 regarding disclosures required in advertisements using a "senior specific designation" meaning a title, professional designation, credential, certification or personal description that indicates the person has expertise or training in issues specifically related to seniors in their field (S.7254-A /A. 1787-C).
- Letter of support jointly sent to Jason Helgerson (Deputy Commissioner, Office of Health Insurance Programs & Medicaid Director for NYSDOH) by Chain Pharmacy Association of NYS, New York Chapter of ASCP, PSSNY, and NYSCHP in August 2014 regarding pharmacy reimbursement policies in the Medicaid program.
- With NYSCHP Board approval via e-mail poll, \$500 PAC contribution made to NYS Senator Toby Stavisky in July 2014 based upon recommendation of lobbyist following realignment of party leadership following close of the 2014 legislative session.
- New York State Pharmacy Conference, Albany College of Pharmacy, Albany, NY, December 19, 2014, NYSCHP represented by President Elizabeth Shlom, Executive Director Shaun Flynn, VPPP Christopher Jadoch, and Lobbyist James Lytle, Esq.
- Public Policy Committee Conference Call on January 14, 2015
- New York State Pharmacy Conference, PSSNY office, Albany, NY, February 6, 2015, NYSCHP represented by Executive Director Shaun Flynn
- In response to media reports by U.S. Senator Charles Schumer (D-NY) calling on the Centers for Disease Control (CDC) to increase access to measles vaccines, on February 9, 2015 VPPP Christopher Jadoch sent e-mail message informing Senator that pharmacists certified to immunize in NYS are not authorized to administer measles vaccines
- Public Policy Committee Conference Call on February 12, 2015

- Committee discussed and recommended sending Letter of Support (LOS) for bills currently before the NYS Legislature delaying mandatory electronic prescribing until March 27, 2016 (A.4274 / S.2486) pending approval of NYSHBP Board of Directors
- Public Comment on behalf of NYSCHP submitted by VPPP Christopher Jadoch on February 13, 2015 regarding risks to pharmacists under medical marijuana regulations being proposed by NYSDOH
- Memorandum to members of the NYS Legislature jointly sent on or about February 25, 2015 by NYSCHP, Chain Pharmacy Association of NYS, New York Chapter of ASCP, PSSNY, and Omnicare urging rejection of the Executive Budget proposal to cut Medicaid reimbursement to pharmacies.
- Letter of Support sent by NYSCHP to Acting Counsel to the Governor on or about March 4, 2015 regarding support in delaying mandatory electronic prescribing until March 27, 2016 (A.4274 / S.2486)
- Letter of Support sent by NYSCHP to U.S. Senators Booker, Gillibrand and Paul on March 18, 2015 regarding support for federal CARERS Act proposing to address expansion of research opportunities and re-scheduling of medical marijuana.
- Ongoing CDTM-focused weekly conference calls with NYSCHP leadership and representatives from NYS Board of Pharmacy

Respectfully Submitted:

/s/ *Christopher Jadoch*

Christopher Jadoch, R.Ph, J.D.  
Vice-President of Public Policy

**Addendum 1:**

Sunset Review of NYSCHP Position 3-10

House of Delegates 2015

**3-10** The New York State Council of Health-system Pharmacists provides updated notification, education and resources to members regarding how new federal health-care legislation will affect health-system pharmacy practice in New York State.

**Public Policy Committee recommends sunseting**

**Addendum 2:**

Sunset Review of NYSCHP Position 5-10

House of Delegates 2015

**5-10** The New York State Council of Health-system Pharmacists (NYSCHP) supports the authorization of pharmacy interns who have completed immunizer training and other requirements to participate in immunization activities as per NYS legislation under the direct supervision of a licensed pharmacist and certified immunizer.

**Public Policy Committee recommends re-adoption**

**Addendum 3:**

**Sunset Review of NYSCHP Position 6-10**

House of Delegates 2015

**6-10** Pediatric Medication Safety. The Position Statement of the New York State Council of Health-system Pharmacist's Pediatric Safety Committee. The intricate nature of pediatrics (neonates to adolescents) requires that there be a unified pharmacy voice, advocating a comprehensive approach to reducing medication errors as well as promoting preventative care. Consistent with our professional mission, NYSCHP strives to promote safety and well-being by heighten awareness of contributory factors to medication errors, encouraging multidisciplinary risk reduction-strategy dialog, as well as promoting strategies which foster safety and well-being within our pediatric community. Understanding the unique nature of pediatrics, NYSCHP will focus on enhancing professional knowledge, promoting contribution to the medical and quality improvement literature, as well as influence systems designs and decision support to address specific pediatric needs. NYSCHP supports recommendations from federal, state, and local regulatory agencies, professional organizations such as American Society of Health-System Pharmacists, health care regulatory entities, such as Joint Commission on the Accreditation of Healthcare Organizations, as well as professional patient advocacy organizations such as the Institute for Healthcare Improvement, whose missions' include promoting overall patient safety. NYSCHP will strive to positively influence laws and regulations independently, as well as in collaboration with other organizations and or regulatory authorities to promote safer medication practices as well as advocating for overall improvements in pediatric care.

**Public Policy Committee recommends sunseting.**



**Addendum 4:**

Sunset Review of NYSCHP Position 9-10

House of Delegates 2015

**9-10** New York State Council of Health-System Pharmacists supports the prohibition of the sale and/or distribution of tobacco products in any pharmacy or establishment that has a pharmacy department within.

**Public Policy Committee recommends sunseting.**