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Act No. 590

House Bill 791 (AS PASSED HOUSE AND SENATE)

By: Representative Stephens of the 164th

A BILL TO BE ENTITLED

AN ACT

To amend Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to general provisions regarding insurance, so as to require health insurers to provide coverage for early refills of a 30 day supply of certain prescription medications under certain emergency situations; to provide for a definition; to provide the Commissioner with authority to waive time restrictions on such refills; to amend Code Section 26-4-80 of the Official Code of Georgia Annotated, relating to license required for practice of pharmacy, dispensing of prescription drugs, prescription drug orders, electronically transmitted drug orders, refills, and schedule II controlled substance prescriptions, so as to allow pharmacists to dispense certain refill prescription medications under certain circumstances; to authorize a pharmacist to dispense up to a 90 day supply of a maintenance medication under certain conditions; to provide for exceptions; to provide for related matters; to provide for a short title; to provide for legislative findings; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Early Prescription Refills During Emergencies Act."

SECTION 2.

The General Assembly finds that:

(1) Prescription drug medications may be essential to the maintenance of life or the continuation of therapy for a Georgian with a chronic health condition;

(2) During times of natural disaster, many Georgians experience significant delays obtaining necessary prescription medication refills; and

(3) Delays in obtaining such medication may result in serious, undesirable health consequences.

SECTION 3.

Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to general provisions regarding insurance, is amended by adding a new Code section to read as follows:

"33-24-59.27.

(a) As used in this Code section, the term 'health care insurer' means an insurer, a fraternal benefit society, a health care plan, or a health maintenance organization authorized under this title to sell accident and sickness insurance policies, subscriber certificates, or other contracts of insurance by whatever name called.

(b) Every health care insurer licensed in this state that provides prescription medication coverage as part of a policy or contract shall waive time restrictions on prescription medication refills, which includes the suspension of electronic 'refill too soon' limitations, to enable insureds or subscribers to refill prescriptions in advance and shall authorize payment to pharmacies for a 30 day supply of any

prescription medication, regardless of the date upon which the prescription had most recently been filled by a pharmacist, when the following conditions occur:

(1) The person seeking the prescription medication refill resides in a county or other area of this state that:

(A) Is declared to be under a state of emergency by executive order of the Governor; or

(B) Is under a hurricane warning issued by the National Weather Service; and

(2) The prescription medication has refills remaining and a refill is requested within 30 days after the origination date of the conditions described in paragraph (1) of this subsection or until such conditions are terminated by the issuing authority or no longer exist.

(c) The Commissioner may by directive as authorized in Code Section 33-2-10 extend the time restriction waiver on prescription medication refills described in subsection (b) of this Code section for 15 or 30 day increments and until such time as he or she determines such extensions are no longer necessary.

(d) Nothing in this Code section shall exempt any insured or subscriber from compliance with all other terms of the policy or contract providing prescription medication coverage."

SECTION 4.

Code Section 26-4-80 of the Official Code of Georgia Annotated, relating to license required for practice of pharmacy, dispensing of prescription drugs, prescription drug orders, electronically transmitted drug orders, refills, and schedule II controlled substance prescriptions, is amended by revising subsection (f) and adding a new subsection to read as follows:

"(f)(1) When filling a prescription or refilling a prescription which may be refilled, the pharmacist shall exercise professional judgment in the matter. No prescription shall be filled or refilled with greater frequency than the approximate interval of time that the dosage regimen ordered by the practitioner would indicate, unless extenuating circumstances are documented which would justify a shorter interval of time before the filling or refilling of the prescription. Such circumstances may include but are not limited to instances in which, with regard to a particular county or area of this state, the Governor has issued an executive order or proclamation declaring a state of emergency or the National Weather Service has issued a hurricane warning, the pharmacist may dispense up to a 30 day supply in the counties or areas affected by such order, proclamation, or warning, provided that:

(A) The prescription is not for a Schedule II controlled substance as set out in Code Section 16-13-26;

(B) In the pharmacist's professional judgment, the prescription is essential to the maintenance of life or to the continuation of therapy for a chronic condition;

(C) In the pharmacist's professional judgment, the interruption of such therapy might reasonably produce undesirable health consequences or cause physical or mental discomfort;

(D) The dispensing pharmacist creates and signs a written order containing all of the prescription information required by this article and by Chapter 13 of Title 16; and

(E) The dispensing pharmacist notifies the prescriber of the emergency dispensing within 48 hours after such dispensing and each such dispensing thereafter.

(2) Notwithstanding paragraph (1) of this subsection, in order to prevent unintended interruptions in drug therapy for topical ophthalmic products:

(A) A pharmacist shall be authorized, without obtaining subsequent authorization from the practitioner or obtaining a new prescription from the practitioner, to permit refills at 70 percent of the predicted days of use; and

(B) At the patient's request, a practitioner shall be permitted to authorize refills earlier than 70 percent of the predicted days of use.

This paragraph shall apply to refills purchased through retail pharmacies and mail order sources."

"(q)(1) A pharmacist may, in the exercise of his or her professional judgment and in consultation with the patient, dispense up to a 90 day supply of maintenance medication for treatment of chronic illnesses up to the total number of dosage units as authorized by the prescriber on the prescription, including any refills, unless:

(A) The prescriber has specified on the prescription that concurrently dispensing initial amounts and refills of such maintenance medication is not allowed; or

(B) It is the initial filling of a prescription for a new maintenance medication or dosage for the patient.

(2) Paragraph (1) of this subsection shall not apply to Schedule II, III, IV, or V controlled substances."

SECTION 5.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 6.

All laws and parts of laws in conflict with this Act are repealed.

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