



General Assembly

Amendment

January Session, 2007

LCO No. 7853

HB0720307853HDO

Offered by:

REP. STONE, 9th Dist.

SEN. HANDLEY, 4th Dist.

To: Subst. House Bill No. 7203

File No. 337

Cal. No. 290

"AN ACT CONCERNING PRESCRIPTION DRUG SUBSTITUTIONS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 20-619 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective from passage*):

5 (a) For the purposes of section 20-579 and this section:

6 (1) "Brand name" means the proprietary or trade name selected by
7 the manufacturer and placed upon a drug product, its container, label
8 or wrapping at the time of packaging;

9 (2) "Generic name" means the established name designated in the
10 official United States Pharmacopoeia/National Formulary, official
11 Homeopathic Pharmacopoeia of the United States, or official United
12 States adopted names or any supplement to any of them;

13 (3) "Therapeutically equivalent" means drug products that are

14 approved under the provisions of the federal Food, Drug and
15 Cosmetics Act for interstate distribution and that will provide
16 essentially the same efficacy and toxicity when administered to an
17 individual in the same dosage regimen; [and]

18 (4) "Dosage form" means the physical formulation or medium in
19 which the product is intended, manufactured and made available for
20 use, including, but not limited to, tablets, capsules, oral solutions,
21 aerosol, inhalers, gels, lotions, creams, ointments, transdermals and
22 suppositories, and the particular form of any physical formulation or
23 medium that uses a specific technology or mechanism to control,
24 enhance or direct the release, targeting, systemic absorption, or other
25 delivery of a dosage regimen in the body;

26 (5) "Epilepsy" means a neurological condition characterized by
27 recurrent seizures;

28 (6) "Seizures" means a disturbance in the electrical activity of the
29 brain; and

30 (7) "Antiepileptic drug" means a drug prescribed for the treatment
31 of epilepsy or a drug used to prevent seizures.

32 (b) Except as limited by subsections (c) and (e) of this section, unless
33 the purchaser instructs otherwise, the pharmacist may substitute a
34 generic drug product with the same strength, quantity, dose and
35 dosage form as the prescribed drug product which is, in the
36 pharmacist's professional opinion, therapeutically equivalent. When
37 the prescribing practitioner is not reasonably available for consultation
38 and the prescribed drug does not use a unique delivery system
39 technology, the pharmacist may substitute an oral tablet, capsule or
40 liquid form of the prescribed drug as long as the form dispensed has
41 the same strength, dose and dose schedule and is therapeutically
42 equivalent to the drug prescribed. The pharmacist shall inform the
43 patient or a representative of the patient, and the practitioner of the
44 substitution at the earliest reasonable time the pharmacist dispenses a
45 substitute prescription.

46 (c) A prescribing practitioner may specify in writing or by a
47 telephonic or other electronic communication that there shall be no
48 substitution for the specified brand name drug product in any
49 prescription, provided (1) in any prescription for a Medicaid, state-
50 administered general assistance, or ConnPACE recipient, such
51 practitioner specifies the basis on which the brand name drug product
52 and dosage form is medically necessary in comparison to a chemically
53 equivalent generic drug product substitution, and (2) the phrase
54 "BRAND MEDICALLY NECESSARY", shall be in the practitioner's
55 handwriting on the prescription form or on an electronically-produced
56 copy of the prescription form or, if the prohibition was communicated
57 by telephonic or other electronic communication that did not
58 reproduce the practitioner's handwriting, a statement to that effect
59 appears on the form. The phrase "BRAND MEDICALLY NECESSARY"
60 shall not be preprinted or stamped or initialed on the form. If the
61 practitioner specifies by telephonic or other electronic communication
62 that did not reproduce the practitioner's handwriting that there shall
63 be no substitution for the specified brand name drug product in any
64 prescription for a Medicaid, state-administered general assistance, or
65 ConnPACE recipient, written certification in the practitioner's
66 handwriting bearing the phrase "BRAND MEDICALLY NECESSARY"
67 shall be sent to the dispensing pharmacy within ten days.

68 (d) Each pharmacy shall post a sign in a location easily seen by
69 patrons at the counter where prescriptions are dispensed stating that,
70 "THIS PHARMACY MAY BE ABLE TO SUBSTITUTE A LESS
71 EXPENSIVE DRUG PRODUCT WHICH IS THERAPEUTICALLY
72 EQUIVALENT TO THE ONE PRESCRIBED BY YOUR DOCTOR
73 UNLESS YOU DO NOT APPROVE." The printing on the sign shall be
74 in block letters not less than one inch in height.

75 (e) A pharmacist may substitute a drug product under subsection
76 (b) of this section only when there will be a savings in cost passed on
77 to the purchaser. The pharmacist shall disclose the amount of the
78 savings at the request of the patient.

79 (f) Except as provided in subsection (g) of this section, when a
80 pharmacist dispenses a substitute drug product as authorized by
81 subsection (b) of this section, the pharmacist shall label the
82 prescription container with the name of the dispensed drug product. If
83 the dispensed drug product does not have a brand name, the
84 prescription label shall indicate the generic name of the drug product
85 dispensed along with the name of the drug manufacturer or
86 distributor.

87 (g) A prescription dispensed by a pharmacist shall bear upon the
88 label the name of the drug in the container unless the prescribing
89 practitioner writes "DO NOT LABEL", or words of similar import, on
90 the prescription or so designates in an oral or electronic transmission
91 of the prescription.

92 (h) Neither the failure to instruct by the purchaser as provided in
93 subsection (b) of this section nor the fact that a sign has been posted as
94 provided in subsection (d) of this section shall be a defense on the part
95 of a pharmacist against a suit brought by any such purchaser.

96 (i) The commissioner, with the advice and assistance of the
97 commission, shall adopt regulations, in accordance with chapter 54, to
98 carry out the provisions of this section.

99 (j) Upon the initial filling or renewal of a prescription, if the patient
100 or a representative of the patient or the patient's practitioner informs
101 the pharmacy, in writing, that the prescription is used for the
102 treatment of epilepsy, a pharmacist shall not substitute an antiepileptic
103 drug or formulation of an antiepileptic drug, brand name or
104 manufacturer of a generic name using the National Drug Code system
105 for the treatment of epilepsy without consent of the patient's
106 practitioner. For purposes of this section, "pharmacy" means a place of
107 business where drugs and devices may be sold at retail and for which
108 a pharmacy license has been issued to an applicant pursuant to section
109 20-594, including hospital-based pharmacies used for employees and
110 outpatient care and mail order pharmacies licensed by the state to

111 distribute in state, except long term care facilities and pharmacies that
112 provide prescriptions for inpatient hospitals.

113 (k) The pharmacist shall notify the patient's practitioner via
114 facsimile prior to making a drug substitution pursuant to subsection (j)
115 of this section.

116 (l) If the patient, the patient's representative or the patient's
117 practitioner refuses the substitution, the pharmacist shall return the
118 prescription to the patient or to such patient's representative and such
119 prescription may be filled at another pharmacy."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	20-619