



General Assembly

Amendment

July Special Session, 2020

LCO No. 3784



Offered by:

REP. SCANLON, 98th Dist.

SEN. LESSER, 9th Dist.

To: House Bill No. 6003

File No.

Cal. No.

"AN ACT CONCERNING DIABETES AND HIGH DEDUCTIBLE HEALTH PLANS."

1 Strike section 3 in its entirety and substitute the following in lieu
2 thereof:

3 "Sec. 3. Section 20-616 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective January 1, 2021*):

5 (a) As used in this section:

6 (1) "Diabetes device" means a device, including, but not limited to, a
7 blood glucose test strip, glucometer, continuous glucometer, lancet,
8 lancing device or insulin syringe, that is (A) a legend device or
9 nonlegend device, and (B) used to cure, diagnose, mitigate, prevent or
10 treat diabetes or low blood sugar;

11 (2) "Diabetic ketoacidosis device" means a device that is (A) a legend
12 or nonlegend device, and (B) used to screen for or prevent diabetic
13 ketoacidosis;

14 (3) "Glucagon drug" means a drug that contains glucagon and is (A)
15 a legend drug or nonlegend drug, (B) prescribed for self-administration
16 on an outpatient basis, and (C) approved by the federal Food and Drug
17 Administration to treat low blood sugar;

18 (4) "Insulin drug" means a drug, including, but not limited to, an
19 insulin pen, that contains insulin and is (A) a legend drug or nonlegend
20 drug, (B) prescribed for self-administration on an outpatient basis, and
21 (C) approved by the federal Food and Drug Administration to treat
22 diabetes; and

23 (5) "Usual customary charge to the public" means a charge for a
24 particular prescription not covered by Medicaid, excluding charges
25 made to third-party payors and special discounts offered to individuals,
26 including, but not limited to, senior citizens.

27 [(a)] (b) Except as provided in subsection [(b)] (c) or (d) of this section,
28 a prescription may be refilled only upon the written, oral or
29 electronically-transmitted order of a prescribing practitioner.

30 [(b)] (c) A pharmacist may exercise his professional judgment in
31 refilling a prescription that is not for a controlled drug, as defined in
32 section 21a-240, without the authorization of the prescribing
33 practitioner, provided (1) the pharmacist is unable to contact such
34 practitioner after reasonable effort, (2) failure to refill the prescription
35 might result in an interruption of a therapeutic regimen or create patient
36 suffering, and (3) the pharmacist informs the patient or representative
37 of the patient at the time of dispensing that the refill is being provided
38 without such authorization and informs the practitioner at the earliest
39 reasonable time that authorization of the practitioner is required for
40 future refills. Prescriptions may be refilled once pursuant to this
41 subsection for a quantity of drug not to exceed a seventy-two hour
42 supply.

43 (d) (1) (A) Notwithstanding subsection (c) of this section, a
44 pharmacist may immediately prescribe and dispense to a patient not
45 more than a thirty-day supply of a diabetic ketoacidosis device, insulin

46 drug or glucagon drug, and any diabetes devices that are necessary to
47 administer such supply of such insulin drug or glucagon drug, if:

48 (i) The patient informs the pharmacist that the patient has less than a
49 seven-day supply of such insulin drug, glucagon drug, diabetes devices
50 or diabetic ketoacidosis device;

51 (ii) The pharmacist determines, in the pharmacist's professional
52 judgment, that the patient will likely suffer significant physical harm
53 within seven days if the patient does not obtain an additional supply of
54 such insulin drug, glucagon drug, diabetes devices or diabetic
55 ketoacidosis device before the expiration of said seven days;

56 (iii) The pharmacist reviews the electronic prescription drug
57 monitoring program established pursuant to section 21a-254 and
58 determines that no pharmacist prescribed and dispensed a supply of
59 such insulin drug, glucagon drug, diabetes devices or diabetic
60 ketoacidosis device to the patient pursuant to this subsection during the
61 twelve-month period immediately preceding, unless:

62 (I) The pharmacist determines, by contacting the pharmacy that filled
63 the most recent prescription for such insulin drug, glucagon drug,
64 diabetes devices or diabetic ketoacidosis device, by examining another
65 prescription database or reviewing the most recent prescription for such
66 insulin drug, glucagon drug, diabetes devices or diabetic ketoacidosis
67 device or a prescription label containing the most recent prescription
68 information for such insulin drug, glucagon drug, diabetes devices or
69 diabetic ketoacidosis device, that no pharmacist dispensed a supply of
70 such insulin drug, glucagon drug, diabetes devices or diabetic
71 ketoacidosis device to the patient pursuant to this subsection during
72 said twelve-month period; or

73 (II) The electronic prescription drug monitoring program established
74 pursuant to section 21a-254 is unavailable; and

75 (iv) Not later than seventy-two hours after the pharmacist dispenses
76 such insulin drug, glucagon drug, diabetes devices or diabetic

77 ketoacidosis device the pharmacist, or the pharmacist's representative,
78 provides notice to the practitioner who, other than the pharmacist, most
79 recently prescribed such insulin drug, glucagon drug, diabetes devices
80 or diabetic ketoacidosis device to the patient.

81 (B) A pharmacist shall immediately prescribe and dispense to a
82 patient not more than a thirty-day supply of a diabetic ketoacidosis
83 device, insulin drug or glucagon drug, and any diabetes devices that are
84 necessary to administer such supply of the insulin drug or glucagon
85 drug, if the criteria established in subparagraphs (A)(i) to (A)(iv),
86 inclusive, of this subdivision have been satisfied and the patient pays,
87 or has health insurance coverage, for such insulin drug, glucagon drug,
88 diabetes devices or diabetic ketoacidosis device.

89 (2) No pharmacist who prescribes and dispenses a supply of a
90 diabetic ketoacidosis device, insulin drug or glucagon drug, and any
91 diabetes devices that are necessary to administer such supply of the
92 insulin drug or glucagon drug, pursuant to subdivision (1) of this
93 subsection shall require the patient to tender payment to the pharmacist
94 for such supply in an amount that exceeds:

95 (A) The amount of the coinsurance, copayment, deductible or other
96 out-of-pocket expense that the patient's health insurance coverage
97 imposes for such supply of such insulin drug, glucagon drug, diabetes
98 devices or diabetic ketoacidosis device; or

99 (B) The usual customary charge to the public for such supply of such
100 insulin drug, glucagon drug, diabetes devices or diabetes ketoacidosis
101 device if the patient does not have health insurance coverage for such
102 supply of such insulin drug, glucagon drug, diabetes devices or diabetic
103 ketoacidosis device.

104 (3) Nothing in subdivision (1) or (2) of this subsection shall be
105 construed to prohibit a pharmacist from requiring a patient to submit to
106 the pharmacist, before the pharmacist prescribes or dispenses a supply
107 of a diabetic ketoacidosis device, insulin drug or glucagon drug, and
108 any diabetes devices necessary to administer such insulin drug or

109 glucagon drug, pursuant to said subdivisions, proof of health insurance
110 coverage for the patient, personal identification for the patient, contact
111 information for a health care provider providing treatment to the
112 patient, information concerning previous prescriptions issued to the
113 patient for the insulin drug, glucagon drug, diabetes devices or diabetic
114 ketoacidosis device, a sworn statement by the patient stating that the
115 patient is unable to timely obtain the insulin drug, glucagon drug,
116 diabetes devices or diabetic ketoacidosis device that the patient is
117 seeking pursuant to this subsection without suffering significant
118 physical harm, and any amount required by the pharmacist under
119 subdivision (2) of this subsection.

120 (4) Each pharmacist shall refer a patient who requests a supply of an
121 insulin drug, glucagon drug, diabetes devices or diabetic ketoacidosis
122 device pursuant to this subsection to a federally-qualified health center
123 if:

124 (A) The pharmacist determines that the patient does not have health
125 insurance coverage for such supply of such insulin drug, glucagon drug,
126 diabetes devices or diabetic ketoacidosis device; or

127 (B) The patient informs the pharmacist that the patient is concerned
128 that the net cost to the patient for such supply of such insulin drug,
129 glucagon drug, diabetes devices or diabetic ketoacidosis device is
130 unaffordable.

131 [(c)] (e) Any prescription that is not for a controlled drug, as defined
132 in section 21a-240, may be transferred orally or electronically between
133 pharmacies, provided:

134 (1) The prescribing practitioner has authorized the original
135 prescription to be refilled in accordance with subsection [(a)] (b) of this
136 section;

137 (2) The pharmacist transferring the prescription shall cancel the
138 original prescription in such pharmacist's records and shall indicate in
139 such records the name of the pharmacy to which the prescription is

140 transferred and the date of the transfer, provided, such cancellation
141 shall not be required in the case of any transfer between pharmacies
142 which electronically access the same prescription records and utilize the
143 same computer or other electronic prescription transfer system; and

144 (3) The pharmacist receiving the prescription shall indicate in such
145 pharmacist's records, in addition to any other information required by
146 law, (A) the fact that the prescription has been transferred and the
147 names of the transferring pharmacy and pharmacist, (B) the date of
148 issuance and the prescription number of the original prescription, (C)
149 the date the original prescription was first dispensed, (D) the number of
150 refills authorized by the original prescription and the complete refill
151 record for the prescription as of the date of the transfer, and (E) the
152 number of valid refills remaining as of the date of the transfer."