Offered by:
REP. SCANLON, 98th Dist.
SEN. LESSER, 9th Dist.

To: House Bill No. 6003

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

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

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 Section 20-616 of the general statutes is repealed and the following is substituted in lieu thereof (Effective January 1, 2021):

(a) As used in this section:

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

(2) "Diabetic ketoacidosis device" means a device that is (A) a legend or nonlegend device, and (B) used to screen for or prevent diabetic ketoacidosis;"
(3) "Glucagon drug" means a drug that contains glucagon and is (A) a legend drug or nonlegend drug, (B) prescribed for self-administration on an outpatient basis, and (C) approved by the federal Food and Drug Administration to treat low blood sugar;

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

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

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

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

(d) (1) (A) Notwithstanding subsection (c) of this section, a pharmacist may immediately prescribe and dispense to a patient not more than a thirty-day supply of a diabetic ketoacidosis device, insulin
drug or glucagon drug, and any diabetes devices that are necessary to administer such supply of such insulin drug or glucagon drug, if:

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

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

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

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

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

(iv) Not later than seventy-two hours after the pharmacist dispenses such insulin drug, glucagon drug, diabetes devices or diabetic ketoacidosis device to the patient pursuant to this subsection during the twelve-month period immediately preceding.
ketoacidosis device the pharmacist, or the pharmacist's representative, provides notice to the practitioner who, other than the pharmacist, most recently prescribed such insulin drug, glucagon drug, diabetes devices or diabetic ketoacidosis device to the patient.

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

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

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

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

(3) Nothing in subdivision (1) or (2) of this subsection shall be construed to prohibit a pharmacist from requiring a patient to submit to the pharmacist, before the pharmacist prescribes or dispenses a supply of a diabetic ketoacidosis device, insulin drug or glucagon drug, and any diabetes devices necessary to administer such insulin drug or
glucagon drug, pursuant to said subdivisions, proof of health insurance coverage for the patient, personal identification for the patient, contact information for a health care provider providing treatment to the patient, information concerning previous prescriptions issued to the patient for the insulin drug, glucagon drug, diabetes devices or diabetic ketoacidosis device, a sworn statement by the patient stating that the patient is unable to timely obtain the insulin drug, glucagon drug, diabetes devices or diabetic ketoacidosis device that the patient is seeking pursuant to this subsection without suffering significant physical harm, and any amount required by the pharmacist under subdivision (2) of this subsection.

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

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

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

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

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

(2) The pharmacist transferring the prescription shall cancel the original prescription in such pharmacist's records and shall indicate in such records the name of the pharmacy to which the prescription is
transferred and the date of the transfer, provided, such cancellation
shall not be required in the case of any transfer between pharmacies
which electronically access the same prescription records and utilize the
same computer or other electronic prescription transfer system; and

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