

The Senate Committee on Health and Human Services offered the following substitute to HB 791:

A BILL TO BE ENTITLED
AN ACT

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

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 **SECTION 1.**

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

18 **SECTION 2.**

19 The General Assembly finds that:

- 20 (1) Prescription drug medications may be essential to the maintenance of life or the
21 continuation of therapy for a Georgian with a chronic health condition;
- 22 (2) During times of natural disaster, many Georgians experience significant delays
23 obtaining necessary prescription medication refills; and
- 24 (3) Delays in obtaining such medication may result in serious, undesirable health
25 consequences.

26

SECTION 3.

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

30 "33-24-59.27.

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

35 (b) Every health care insurer licensed in this state that provides prescription medication
 36 coverage as part of a policy or contract shall waive time restrictions on prescription
 37 medication refills, which includes the suspension of electronic 'refill too soon' limitations,
 38 to enable insureds or subscribers to refill prescriptions in advance and shall authorize
 39 payment to pharmacies for a 30 day supply of any prescription medication, regardless of
 40 the date upon which the prescription had most recently been filled by a pharmacist, when
 41 the following conditions occur:

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

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

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

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

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

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

57

SECTION 4.

58 Code Section 26-4-80 of the Official Code of Georgia Annotated, relating to license required
 59 for practice of pharmacy, dispensing of prescription drugs, prescription drug orders,
 60 electronically transmitted drug orders, refills, and schedule II controlled substance

61 prescriptions, is amended by revising subsection (f) and adding a new subsection to read as
62 follows:

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

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

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

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

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

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

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

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

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

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

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

98 (A) The prescriber has specified on the prescription that concurrently dispensing initial
99 amounts and refills of such maintenance medication is not allowed; or
100 (B) It is the initial filling of a prescription for a new maintenance medication or dosage
101 for the patient.
102 (2) Paragraph (1) of this subsection shall not apply to Schedule II, III, IV, or V controlled
103 substances."

104 **SECTION 5.**

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

107 **SECTION 6.**

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