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FISCAL IMPACT REPORT

ORIGINAL DATE 2/6/07

SPONSOR Bratton LAST UPDATED _____ HB 615

SHORT TITLE Preference to Non-Resident Pharmacies SB _____

ANALYST C.Sanchez

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From
Pharmacy Board (RLD)

SUMMARY

Synopsis of Bill

House Bill 615 amends the Pharmacy Act adding a new section that prohibits the board of pharmacy from giving preference to a nonresident pharmacist. It also allows a pharmacist to dispense a ninety-day supply of a prescription drug.

HB 615 also amends the Controlled Substances Act by adding new material to NMSA 30-31-18 C allowing a pharmacist to dispense a ninety-day supply of a controlled substance.

FISCAL IMPLICATIONS

No additional investigations or complaints would be generated under the proposed changes to the Pharmacy and Controlled Substances Acts.

SIGNIFICANT ISSUES

State and Federal Law already allows a pharmacist to dispense a ninety-day supply of a prescription drug. The limitations for the quantity dispensed on a prescription are usually set by third-party payers (insurance) and the prescribing practitioner. Most insurance plans typically limit the quantity of drug covered to a one-month supply when dispensed by a retail pharmacy and up to a three-month supply from a mail-order pharmacy.

The Board of Pharmacy does not have any laws or rules limiting the quantity dispensed nor does the Board have any rule giving preferential treatment to nonresident pharmacists. The Board does not license nonresident pharmacists. It does require a nonresident pharmacy to register in order to fill prescriptions for New Mexico residents.

PERFORMANCE IMPLICATIONS

None known. Current rules allow ninety-day supply to be dispensed.

TECHNICAL ISSUES

According to RLD:

The Pharmacy Board does not license or give preferential treatment to nonresident pharmacists.

State and Federal law allows a practitioner to prescribe whatever quantity of a prescription drug they deem necessary. For example a practitioner could prescribe and a pharmacy may dispense a year's supply of Ibuprofen 800 mg tablets to a patient. Third party payers, including Medicaid, govern the restriction on the quantity dispensed.

NMSA 30-31-18C has limitations for Schedule III and IV prescriptions. The prescription is only valid for 6 months from the date written and it may only be re-filled 5 times.

OTHER SUBSTANTIVE ISSUES

According to the Pharmacy Board, House Bill 615 would not affect current dispensing practice.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo

CS/nt