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## FISCAL IMPACT REPORT

ORIGINAL DATE 02/06/13  
 SPONSOR SPAC LAST UPDATED 02/13/13 HB \_\_\_\_\_  
 SHORT TITLE Combine Prescription Drug Refills SB 366/SPACS  
 ANALYST Martinez

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		NFI				

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Attorney General Office (AGO)  
 Regulation and Licensing Department (RLD)  
 Medical Board (MB)

### SUMMARY

#### Synopsis of Bill

The Senate Public Affairs Committee substitute for Senate Bill 366 (SB 366) would amend New Mexico law to permit a pharmacist to dispense up to a ninety day supply of a dangerous drug by combining valid ~~refills~~ fills unless specifically prohibited on the prescription by the practitioner. For clarity the bill strikes §1.G (1), (2), (4), (5), and replaces with:

§1.G . A prescription shall not be filled:

- (1) as a refill if it is marked by the issuing practitioner to indicate that the prescription is not to be refilled;
- (2) except in compliance with the provisions of the Controlled Substances Act if the drug is a controlled substance;
- (3) unless the fill is made in accordance with the provisions of this section;

SB 366 also creates additional subsections I.-M.:

I. When, on the original prescription calling for a dangerous drug that is not a controlled substance, a practitioner indicates a specific number of fills or a specific period of time during

which a prescription may be filled, a drug may be filled the number of times or for the period of time that the prescription indicates if the following information is provided with the prescription:

- (1) the date of fill;
- (2) the initials of the pharmacist filling the prescription; and
- (3) the amount of drug dispensed, if it differs from the amount called for on the original prescription.

J. A pharmacist may dispense a quantity not to exceed a ninety-day supply of a dangerous drug by combining valid fills when:

- (1) an indication on the prescription or label does not specifically prohibit a combined fill; and
- (2) the dangerous drug to be filled is not a controlled substance.

K. When the practitioner indicates on the original prescription calling for dangerous drugs that it may be filled "prn", the pharmacist may fill it within the limits of the dosage directions for a period of twelve months, provided the date of filling and the initials of the pharmacist are recorded on the original prescription. At the expiration of the twelve month period, the practitioner must be contacted for a new prescription; provided that this is not to be construed to apply to those drugs regulated by the Controlled Substances Act.

L. The board may adopt and promulgate regulations to permit the use of computer systems for the storage and retrieval of prescriptions, records for the purpose of filling prescriptions, receipt records, drug distribution records, drug withdrawals from stock, drug compounding records, drug disposition records and drug disposal records.

M. As used in this section, "fill" means a dispensing of a drug for the first time or as a refill."

## **FISCAL IMPLICATIONS**

No Fiscal Impact

## **SIGNIFICANT ISSUES**

The RLD states:

- Combining refills may decrease patients out of pocket expense.
- Combining refills may increase waste if medication is discontinued.
- Combining refills may increase risk of overdose.

## **ADMINISTRATIVE IMPLICATIONS**

Board of Pharmacy would need to educate registrants (e.g. this amendment of the Drug Device and Cosmetic Act does not apply to Controlled Substances, patient safety issues, etc.).

## **ALTERNATIVES**

In letter J. item number (1), consider adding after "prohibit a combined fill" by writing on the prescription "RAW" – or "fill as written";

RM/svb:blm