

## GOVERNMENTAL AFFAIRS UPDATE: JUNE 30, 2016

The 2016 Legislative Session concluded. Below please find an update on issues of importance to Dermatology.

**Date of Discovery Bill Not Enacted!** Despite a push at the end of session, legislation (S.6596, DeFrancisco/A. 10719, Weinstein)/was not acted upon which would have extended the statute of limitations for medical malpractice potentially increasing medical liability premiums by as much as 15%. Discussions will continue during the off-session.

**Step Therapy Bill Passes Legislature!** The efforts of NYSSDDS, working with a number of patient advocacy organizations and the AAD, were successful this year with the passage of legislation (S.3419, Young/A.2834, Titone) that, if signed into law, would enable dermatologists and others to override health insurer step therapy protocols. Our efforts now shift to the Governor who will be sent the bill. We are urging him to sign the bill into law. If he does so, the bill will become effective as insured's contracts renew beginning January 1, 2017.

**Opioid Package Enacted!** A package of bills intended to arrest and eliminate the growing opioid epidemic in NYS was enacted into law. Of particular interest to dermatology are two provisions:

- Establishes limits on the prescription of a supply of any schedule II, III, or IV opioid upon initial consultation or treatment of acute pain to seven days. The law, which went into effect on July 22, 2016, gives flexibility to the prescriber to, upon any subsequent consultations for the same pain, issue (up to a thirty day supply) by appropriate renewal, refill or new prescription for the opioid or any other drug. In addition, the legislation:
  - defines "acute pain" to mean pain, whether resulting from disease, accidental or intentional trauma or other cause that the practitioner reasonably expects to last only a short period of time. Such term shall not include chronic pain, pain being treated as part of cancer care, hospice or other end-of-life- care or pain being treated as part of palliative care practices.
- Requires prescribers authorized to prescribe opioids by the U.S. Drug Enforcement Administration and every prescribing resident under a facility registration to complete three hours of coursework on pain management, palliative care, and addiction by July 1, 2017 and every three years thereafter.
  - establishes that the coursework may be taken online;
  - requires that, upon completion of course, must document by attestation on a form prescribed by the commissioner that he/she has completed the course; and

- requires the department to allow for an exception process for those (1) who can demonstrate to the department's satisfaction that there would be no need to complete the course; or (2) that he/she has completed course work deemed by the department to be equivalent to the course work approved by the department. ***More information concerning the exemption process will follow.***

## **Legislation To Ease Burden of e-prescribing Passes Legislature!**

Several bills passed the Legislature to ease the burden of e-prescribing and to protect patient timely access to medications.

The first bill (S.6779, Hannon/A.9335, Gottfried) would eliminate the need for prescribers to send a litany of information to a website maintained by DOH when the prescriber invokes one of the three statutory exceptions to the e-prescribing mandate and issue paper/fax/oral prescriptions. Currently, each time a prescriber issues a paper/fax/oral prescription he/she must send to the DOH website information including their name, address, email address, phone number, license number, section of law invoked and patient's initials. If signed into law, prescribers would merely be required to make a notation in the patient's medical record that they issued paper/fax/oral scripts.

A second bill (S. 7537, Martins/A. 10448, Gottfried) would authorize a pharmacy to electronically transfer an e-prescription when they are out of stock of the medication. Currently, state law prohibits such a transfer.

A third bill (S. 7334, Hannon/A.9837, Gottfried) would allow a transmission of an e-prescription to a secure centralized site from which it can be downloaded by a pharmacy. This measure is strenuously opposed by Surescripts.

***More information concerning the Governor's consideration of these bills will be provided when such action is taken.***

**Podiatry Scope of Practice Bill Defeated!** The efforts of NYSSDDS, working with a number of state and specialty medical societies, defeated legislation (S. 6990, Amedore/A.719, Pretlow) which would inappropriately expand the scope of practice of podiatrists to include the diagnosis and treatment of cutaneous conditions from the ankle to the knee.

**Dental Scope of Practice Bill Defeated!** The efforts of NYSSDDS, working with a number of state and specialty medical societies, defeated legislation (A.3329, Morelle) which would expand the scope of practice of dentists to include the performance of cosmetic medical procedures on the head and face.