

MEDICAL SOCIETY
of the
STATE OF NEW YORK

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Senior Vice President /
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Division of Governmental Affairs
MEMORANDUM IN OPPOSITION

ON SENATE FLOOR

S.2966-A (HACRKHAM)

PASSED ASSEMBLY

A.336-A (BRAUNSTEIN)

AN ACT to amend the public health law, in relation to prescribing an opioid antagonist with a patient's first opioid prescription in a given year

This measure would require that prescribers, for the initial prescription in a year to certain patients taking opioid medications, to also co-prescribe an opioid antagonist with the opioid prescription. **The Medical Society of the State of New York opposes this measure.**

This bill requires physicians and providers, for the first opioid prescription of each year to a patient receiving 90 MME or more, to also co-prescribe an opioid antagonist with the prescription. We appreciate that the bill was recently amended to increase the threshold from 50 MME to 90 MME, so as to be applicable to a smaller cohort of patients who could be at a higher risk for overdose. However, even this more limited proposed co-prescribing requirement could cause many patients who have been taking these medications appropriately for years to address their chronic pain needs to inappropriately feel stigmatized as a “drug addict”. It is also important to note that many physicians do already co-prescribe an opioid antagonist to certain patients based upon the physician’s clinical judgment of the risks the patient may face for overdose.

Furthermore, with New York’s mandatory e-prescribing law applicable since 2016, the co-prescription will automatically be sent to the pharmacy, which essentially removes the choice of the patient to have the co-prescription filled, as would be the case if such prescriptions were still on paper. As a result, patients may face unforeseen cost-sharing responsibilities for these medications, and the mandate will result in a windfall for those manufacturers of the drug.

While we appreciate the efforts to more narrowly tailor this legislation to address those patients who are more at risk for overdose, the legislation still has flaws that may adversely affect patients who are responsibly using pain control medications. **Therefore, the Medical Society of the State of New York opposes this legislation and urges that this measure is not adopted.**

5/21/21
MMA - oppose

Respectfully submitted,

MSSNY DIVISION OF GOVERNMENTAL AFFAIRS