New York State Prescribing Laws

Brand Name vs. Generic

It is not uncommon for patients to become noncompliant with their medications due to cost, especially when the patient has a high deductible or high cost-sharing plan. If you believe cost may be a contributing factor, consider changing your patient to a low-cost, equally efficacious, generic medication.

Optimum Physician Alliance (OPA) would like to remind you of several New York State regulations that provide guidance surrounding generic versus brand name prescriptions. Follow these guidelines to ensure patients receive the medication you intended to prescribe, via your electronic, oral or written prescription, which meets their medical needs, while also being cost-efficient.

Did you know that...

- Whenever issuing a prescription, you can ensure patients receive the generic version of the drug, if available, by omitting the phrase ‘d a w’ in the box labeled “THIS PRESCRIPTION WILL BE FILLED GENERICALLY UNLESS PRESCRIBER WRITES ‘d a w’ IN THE BOX BELOW.

- Specifically, in the case of oral prescriptions, a pharmacist shall only substitute a less expensive drug, containing the same active ingredients, dosage and strength as the drug prescribed, if the prescriber expressly states that substitutes are permitted.

- When a generic drug is unavailable and the brand name drug originally prescribed is available, the pharmacists may dispense the brand name drug at a price that is of equal or lesser value than the generic drug.

- In the event of a medical emergency, where the generic drug is not readily available, the pharmacist is not required to substitute, and may dispense the brand name medication at the brand name price (example: Percocet is dispensed, when oxycodone/APAP is not readily available).

For detailed information and education regarding New York State Pharmacy Laws, please visit the Office of Professions website at: http://www.op.nysed.gov/prof/pharm/article137.htm