

5409

2011-2012 Regular Sessions

I N   S E N A T E

May 18, 2011

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Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to requiring practitioners to check the controlled substance abuse registry before prescribing analgesics

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Section 3308 of the public health law is amended by adding  
2     a new subdivision 7 to read as follows:  
3     7. THE COMMISSIONER SHALL DEVELOP A SYSTEM TO ENSURE COMPLIANCE WITH  
4     SECTION THIRTY-THREE HUNDRED TWENTY-THREE OF THIS ARTICLE. SUCH SYSTEM  
5     SHALL, AT A MINIMUM:  
6     (A) CROSS-CHECK THE PRESCRIPTIONS SUBMITTED BY PHARMACISTS WITH THE  
7     PRACTITIONERS CONSULTING THE REGISTRY PURSUANT TO SECTION THIRTY-THREE  
8     HUNDRED TWENTY-THREE OF THIS ARTICLE.  
9     (B) ESTABLISH AN APPROPRIATE FINE SCALE FOR PRACTITIONERS FOUND BY THE  
10    DEPARTMENT TO NOT BE CONSULTING THE REGISTRY IN VIOLATION OF SECTION  
11    THIRTY-THREE HUNDRED TWENTY-THREE OF THIS ARTICLE FOLLOWED BY MORE SERIOUS  
12    PUNISHMENTS FOR REPEAT OFFENSES.  
13    S 2. The public health law is amended by adding a new section 3323 to  
14    read as follows:  
15    S 3323. PRACTITIONERS' DUTIES PRIOR TO PRESCRIBING ANALGESICS. EVERY  
16    PRACTITIONER SHALL, PRIOR TO PRESCRIBING ANY ANALGESIC, CONSULT THE  
17    CENTRAL REGISTRY ESTABLISHED PURSUANT TO THIS ARTICLE TO DETERMINE:  
18    1. WHAT OTHER PRESCRIPTIONS THE PATIENT BEING PRESCRIBED SUCH ANALGESIC  
19    IS CURRENTLY TAKING;  
20    2. WHETHER SUCH PATIENT MAY BE UNDER TREATMENT WITH A PRESCRIPTION  
21    ANALGESIC BY ANOTHER PRACTITIONER; AND  
22    3. WHETHER SUCH PATIENT'S PRESCRIPTION HISTORY INDICATES A POSSIBILITY  
23    OF DRUG ABUSE, ADDICTION OR DIVERSION.  
24    S 3. This act shall take effect immediately; provided, however, that  
25    section two of this act shall take effect on the one hundred twentieth  
26    day after it shall have become a law.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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