

8707

I N A S S E M B L Y

January 13, 2016

Introduced by M. of A. PAULIN -- read once and referred to the Committee
on Higher Education

AN ACT to amend the education law, in relation to the dispensing of
contraceptive drugs

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

1 Section 1. Subdivision 6 of section 6527 of the education law is
2 amended by adding a new paragraph (g) and such section is amended by
3 adding a new subdivision 9 to read as follows:

4 (G) CONTRACEPTIVE DRUGS APPROVED BY THE FEDERAL FOOD AND DRUG ADMINIS-
5 TRATION OR GENERIC EQUIVALENTS APPROVED AS SUBSTITUTES BY SUCH FOOD AND
6 DRUG ADMINISTRATION, IN ACCORDANCE WITH PROFESSIONAL STANDARDS OF PRAC-
7 TICE.

8 9. A LICENSED PHYSICIAN MAY PRESCRIBE AND ORDER A NON-PATIENT SPECIFIC
9 REGIMEN TO A LICENSED PHARMACIST, FOR DISPENSING CONTRACEPTIVE DRUGS
10 APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION OR GENERIC EQUIV-
11 ALENTS APPROVED AS SUBSTITUTES BY SUCH FOOD AND DRUG ADMINISTRATION, IN
12 ACCORDANCE WITH PROFESSIONAL STANDARDS OF PRACTICE AND SUBDIVISION FOUR
13 OF SECTION SIXTY-EIGHT HUNDRED SEVEN OF THIS TITLE.

14 S 2. Subdivision 3 of section 6807 of the education law, as added by
15 chapter 573 of the laws of 1999, is amended and a new subdivision 4 is
16 added to read as follows:

17 3. A pharmacist may dispense drugs and devices to a registered profes-
18 sional nurse, and a registered professional nurse may possess and admin-
19 ister, drugs and devices, pursuant to a non-patient specific regimen
20 prescribed or ordered by a licensed physician, LICENSED MIDWIFE, or
21 certified nurse practitioner, pursuant to regulations promulgated by the
22 commissioner and the public health law.

23 4. A. A LICENSED PHARMACIST MAY DISPENSE A NON-PATIENT SPECIFIC REGI-
24 MEN OF CONTRACEPTIVE DRUGS APPROVED BY THE FEDERAL FOOD AND DRUG ADMIN-
25 ISTRATION OR GENERIC EQUIVALENTS APPROVED AS SUBSTITUTES BY SUCH FOOD
26 AND DRUG ADMINISTRATION, PRESCRIBED OR ORDERED BY A LICENSED PHYSICIAN,
27 CERTIFIED NURSE PRACTITIONER, OR LICENSED MIDWIFE, PURSUANT TO RULES AND

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

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REGULATIONS PROMULGATED BY THE COMMISSIONER, IN ACCORDANCE WITH PROFESSIONAL STANDARDS OF PRACTICE AND THE PROVISIONS OF THIS SUBDIVISION.

B. THE DISPENSING OF CONTRACEPTIVE DRUGS BY A LICENSED PHARMACIST UNDER THIS SUBDIVISION SHALL BE DONE IN ACCORDANCE WITH WRITTEN PROCEDURES AND PROTOCOLS DEVELOPED BY A PHARMACIST AND A LICENSED PHYSICIAN, CERTIFIED NURSE PRACTITIONER, LICENSED MIDWIFE, OR A HOSPITAL (LICENSED UNDER ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW) THAT PROVIDES GYNECOLOGICAL OR FAMILY PLANNING SERVICES. WHEN CONTRACEPTIVE DRUGS ARE DISPENSED UNDER THIS SUBDIVISION, THE PHARMACIST SHALL PROVIDE TO THE PATIENT A FACT SHEET THAT INCLUDES THE CLINICAL CONSIDERATIONS AND RECOMMENDATIONS FOR USE OF THE DRUG, THE APPROPRIATE METHOD FOR USING THE DRUG, INFORMATION ON THE IMPORTANCE OF FOLLOW-UP HEALTH CARE, AND HEALTH CARE REFERRAL INFORMATION. THE COMMISSIONER SHALL DEVELOP THIS FACT SHEET IN CONSULTATION WITH THE DEPARTMENT OF HEALTH AND THE AMERICAN COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS. PRIOR TO DISPENSING CONTRACEPTIVE DRUGS AS AUTHORIZED UNDER THIS SECTION, A PHARMACIST SHALL SUCCESSFULLY COMPLETE CONTRACEPTIVE DRUG THERAPY EDUCATION AND TRAINING IN ACCORDANCE WITH SUBDIVISION SEVEN OF SECTION SIXTY-EIGHT HUNDRED TWENTY-SEVEN OF THIS ARTICLE.

S 3. Section 6827 of the education law is amended by adding a new subdivision 7 to read as follows:

7. ACCEPTABLE FORMAL CONTINUING EDUCATION UNDER THIS SECTION SHALL INCLUDE EDUCATION AND TRAINING IN CONTRACEPTIVE DRUGS, IN ACCORDANCE WITH REGULATIONS OF THE COMMISSIONER. THE COMMISSIONER MAY PROVIDE THAT A PHARMACIST WHO HAS HAD SUFFICIENTLY RECENT EDUCATION AND TRAINING IN CONTRACEPTIVE DRUGS MAY BE EXEMPTED FROM THE REQUIREMENT OF THIS SUBDIVISION.

S 4. Subdivision 4 of section 6909 of the education law is amended by adding a new paragraph (g) to read as follows:

(G) CONTRACEPTIVE DRUGS APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION OR GENERIC EQUIVALENTS APPROVED AS SUBSTITUTES BY SUCH FOOD AND DRUG ADMINISTRATION, IN ACCORDANCE WITH PROFESSIONAL STANDARDS OF PRACTICE.

S 5. Subdivision 5 of section 6909 of the education law, as added by chapter 573 of the laws of 1999, is amended to read as follows:

5. A registered professional nurse may execute a non-patient specific regimen prescribed or ordered by a licensed physician, LICENSED MIDWIFE, or certified nurse practitioner, pursuant to regulations promulgated by the commissioner.

S 6. Section 6909 of the education law is amended by adding a new subdivision 8 to read as follows:

8. A CERTIFIED NURSE PRACTITIONER MAY PRESCRIBE AND ORDER A NON-PATIENT SPECIFIC REGIMEN TO A LICENSED PHARMACIST, FOR DISPENSING CONTRACEPTIVE DRUGS APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION OR GENERIC EQUIVALENTS APPROVED AS SUBSTITUTES BY SUCH FOOD AND DRUG ADMINISTRATION, IN ACCORDANCE WITH PROFESSIONAL STANDARDS OF PRACTICE AND SUBDIVISION FOUR OF SECTION SIXTY-EIGHT HUNDRED SEVEN OF THIS TITLE.

S 7. Section 6951 of the education law is amended by adding a new subdivision 4 to read as follows:

4. A LICENSED MIDWIFE MAY PRESCRIBE AND ORDER A NON-PATIENT SPECIFIC REGIMEN PURSUANT TO REGULATIONS PROMULGATED BY THE COMMISSIONER, CONSISTENT WITH THIS SECTION, AND CONSISTENT WITH THE PUBLIC HEALTH LAW, TO:

(A) A REGISTERED PROFESSIONAL NURSE FOR CONTRACEPTIVE DRUGS APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION OR GENERIC EQUIVALENTS

1 APPROVED AS SUBSTITUTES BY SUCH FOOD AND DRUG ADMINISTRATION, IN ACCORD-
2 ANCE WITH PROFESSIONAL STANDARDS OF PRACTICE; OR

3 (B) A LICENSED PHARMACIST, FOR DISPENSING CONTRACEPTIVE DRUGS APPROVED
4 BY THE FEDERAL FOOD AND DRUG ADMINISTRATION OR GENERIC EQUIVALENTS
5 APPROVED AS SUBSTITUTES BY SUCH FOOD AND DRUG ADMINISTRATION, IN ACCORD-
6 ANCE WITH PROFESSIONAL STANDARDS OF PRACTICE AND SUBDIVISION FOUR OF
7 SECTION SIXTY-EIGHT HUNDRED SEVEN OF THIS TITLE.

8 S 8. This act shall take effect on the one hundred eightieth day after
9 it shall have become a law; provided that the commissioner of education
10 is authorized to promulgate any and all rules and regulations and take
11 any other measures necessary to implement this act on its effective date
12 on or before such date.