

STATE OF NEW YORK

10092

IN ASSEMBLY

March 14, 2018

Introduced by M. of A. GOTTFRIED, SIMON, BARRETT -- read once and referred to the Committee on Mental Health

AN ACT to amend the mental hygiene law and the education law, in relation to integrated care and the location of pharmacies

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The mental hygiene law is amended by adding a new section
2 7.46 to read as follows:

3 § 7.46 Operating certificates.

4 (a) The commissioner or the commissioner of the office of alcoholism
5 and substance abuse services shall not deny an operating certificate
6 pursuant to section 31.02 or 32.05 of this chapter to a facility provid-
7 ing out-patient or non-residential services for the mentally disabled or
8 individuals suffering from chemical abuse or dependence that includes a
9 pharmacy within the facility, provided that the pharmacy:

10 (1) conforms with paragraph g of subdivision two of section sixty-
11 eight hundred eight of the education law;

12 (2) is not operated by the facility;

13 (3) does not share revenue of the pharmacy with the facility; and

14 (4) does not require or otherwise coerce patients to utilize such
15 pharmacy.

16 (b) Furthermore, patients, clinic staff and other individuals may
17 traverse the common waiting area within the clinic space to access such
18 pharmacy, and the pharmacy need not have a separate public entrance
19 leading from outside of the building to such pharmacy. Nothing in this
20 subdivision shall prevent the facility from collecting rent from the
21 operator of such pharmacy if such pharmacy is leasing space from the
22 facility.

23 § 2. Paragraphs g and h of subdivision 2 of section 6808 of the educa-
24 tion law are relettered paragraphs h and i and a new paragraph g is
25 added to read as follows:

26 g. A pharmacy within a facility providing out-patient or non-residen-
27 tial services for the mentally disabled or individuals suffering from
28 chemical abuse or dependence. When a pharmacy is operated within a

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

LBD13833-03-8

1 facility providing out-patient or non-residential services for the
2 mentally disabled or individuals suffering from chemical abuse or
3 dependence under an operating certificate issued by the commissioners of
4 the office of mental health or the office of alcoholism and substance
5 abuse services pursuant to section 31.02 or 32.05 of the mental hygiene
6 law, the area compromising the pharmacy shall be secured, preventing
7 unauthorized access to the pharmacy and drugs when a pharmacist is not
8 on duty. Identification of the area within the pharmacy by use of the
9 words "drugs", "medicines", "drug store", or "pharmacy" or similar terms
10 shall be restricted to the area licensed by the department as a pharma-
11 cy. Patients, clinic staff and other individuals may traverse the common
12 waiting area within the clinic space to access such pharmacy, and such
13 pharmacy need not have a separate public entrance leading from outside
14 of the building to such pharmacy.

15 § 3. This act shall take effect immediately.