

STATE OF NEW YORK

7042

IN SENATE

(Prefiled)

January 3, 2018

Introduced by Sen. ORTT -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities

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 shall not deny an operating certificate pursuant
5 to section 31.02 of this chapter to a facility providing out-patient or
6 non-residential services for the mentally disabled that includes a phar-
7 macy within the facility, provided that the pharmacy:

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

10 (2) is not operated by the facility;

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

12 (4) does not require or otherwise coerce patients to utilize such
13 pharmacy.

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

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

24 g. A pharmacy within a facility providing out-patient or non-residen-
25 tial services for the mentally disabled. When a pharmacy is operated
26 within a facility providing out-patient or non-residential services for

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

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1 the mentally disabled under an operating certificate issued by the
2 commissioner of mental hygiene pursuant to section 31.02 of the mental
3 hygiene law, the area comprising the pharmacy shall be secured,
4 preventing unauthorized access to the pharmacy and drugs when a pharma-
5 cist is not on duty. Identification of the area within the pharmacy by
6 use of the words "drugs", "medicines", "drug store", or "pharmacy" or
7 similar terms shall be restricted to the area licensed by the department
8 as a pharmacy. Patients, clinic staff and other individuals may traverse
9 the common waiting area within the clinic space to access such pharmacy,
10 and such pharmacy need not have a separate public entrance leading from
11 outside of the building to such pharmacy.

12 § 3. This act shall take effect immediately.