

STATE OF NEW YORK

5825

2019-2020 Regular Sessions

IN ASSEMBLY

February 19, 2019

Introduced by M. of A. GIGLIO, FINCH, HAWLEY, KOLB, LAWRENCE, McDONOUGH, MORINELLO, REILLY, SMITH -- Multi-Sponsored by -- M. of A. SAYEGH, WALSH -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to prescribing controlled substances

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

1 Section 1. The public health law is amended by adding a new section
2 3306-a to read as follows:

3 § 3306-a. Controlled substance prescribing guidelines. 1. (a) The
4 commissioner shall promulgate rules and regulations governing the usage
5 of the controlled substances listed in subdivisions (b) and (c) of sche-
6 dule II of section three thousand three hundred six of the public health
7 law, including, but not limited to, establishing limitations on the
8 amount of these substances that can be prescribed as part of the specif-
9 ic course of treatment following certain medical procedures.

10 (b) Any prescriber who overprescribes in violation of the guidelines
11 established in paragraph (a) of this subdivision must send documentation
12 to the department explaining the reasons for overprescribing based on
13 medical necessity. Such documentation may be sent to the department
14 electronically.

15 (c) The department shall develop a policy to review explanations of
16 overprescribing and shall accept such explanation if it is deemed to be
17 justified by medical necessity.

18 (d) If, during the course of their review, the department determines
19 such overprescribing is not justified by medical necessity, the depart-
20 ment may require corrective actions by prescribers for actions in
21 violation of medical guidelines established in paragraph (a) of this
22 subdivision.

23 (e) Prescribers who fail to comply with the corrective actions of the
24 department shall be subject to penalties as provided for in section two

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

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1 hundred thirty-a of this chapter, as added by chapter six hundred six of
2 the laws of nineteen hundred ninety-one.

3 2. The department shall report prescribers who fail to comply with the
4 corrective action of the department to the state board for professional
5 medical conduct and recommend penalties for such violations.

6 § 2. This act shall take effect one year after it shall have become a
7 law.