

STATE OF NEW YORK

5512

2021-2022 Regular Sessions

IN ASSEMBLY

February 19, 2021

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

AN ACT to amend the education law and the public health law, in relation to the automated storage and dispensing of controlled substances using an automated dispensing device

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

1 Section 1. Section 6802 of the education law is amended by adding a
2 new subdivision 29 to read as follows:

3 29. "Automated dispensing device (ADD)" shall mean a mechanical system
4 used in nursing homes licensed pursuant to article twenty-eight of the
5 public health law, assisted living facilities licensed pursuant to
6 title ten of the public health law or hospices licensed pursuant to
7 article forty of the public health law, that stores prescribed medica-
8 tions at such facilities and dispenses such medications for the sole use
9 of the facilities residents.

10 § 2. The public health law is amended by adding a new section 280-d to
11 read as follows:

12 § 280-d. Automated storage and dispensing of medications. 1. For
13 purposes of this section, "automated dispensing device (ADD)" shall mean
14 a mechanical system used in nursing homes licensed pursuant to article
15 twenty-eight of the public health law, assisted living facilities
16 licensed pursuant to title ten of the public health law or hospices
17 licensed pursuant to article forty of the public health law, that stores
18 prescribed medications at such facilities and dispenses such medications
19 for the sole use of the facilities residents.

20 2. The ADD and its contents shall remain the property of the pharmacy.
21 The pharmacy shall maintain all controls, record keeping as required by
22 all laws, rules and regulations of the state. Pharmacies utilizing auto-
23 mated dispensing devices as permitted under this chapter for routine
24 medication dispensing of controlled substances shall obtain a machine-

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

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1 specific federal Drug Enforcement Agency (DEA) registration number, and
2 appropriate New York state licensing.

3 3. The prepackaged cartridges or containers may be sent to a remote
4 site to be loaded into such machine by personnel designated by the phar-
5 macist-in-charge provided:

6 a. the individual cartridges or containers are transported to such
7 remote site in a secure, tamper-evident container; and

8 b. the automated pharmacy system uses bar-coding, microchip, or other
9 technologies to ensure that the containers are accurately loaded in the
10 automated pharmacy system.

11 4. Access to an automated dispensing device shall be restricted to
12 authorized licensed personnel, and a list of such authorized personnel
13 shall be maintained at all times within the system and shall be reviewed
14 and updated periodically.

15 5. All medications, including controlled substances shall be dispensed
16 from an automated dispensing device pursuant to a valid, patient-specif-
17 ic prescription or order.

18 6. Any losses of medication shall be reported in accordance with the
19 requirements of the servicing pharmacy's licensing body.

20 § 3. This act shall take effect on the thirtieth day after it shall
21 have become a law.