

STATE OF NEW YORK

6627

2023-2024 Regular Sessions

IN ASSEMBLY

April 24, 2023

Introduced by M. of A. McDONALD, SAYEGH, WALLACE, SEAWRIGHT, MEEKS, JONES, JENSEN, LUPARDO, STIRPE, BUTTENSCHON, LUNSFORD -- Multi-Sponsored by -- M. of A. TAGUE -- read once and referred to the Committee on Higher Education

AN ACT to amend the public health law and the education law, in relation to including certain pharmacists as qualified health care professionals and authorizing such pharmacists to complete a waived test

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

Section 1. Subdivision 6 of section 571 of the public health law, as amended by section 1 of part C of chapter 57 of the laws of 2022, is amended to read as follows:

6. "Qualified health care professional" means a physician, dentist, podiatrist, optometrist performing a clinical laboratory test that does not use an invasive modality as defined in section seventy-one hundred one of the education law, pharmacist administering COVID-19 and influenza tests pursuant to subdivision seven of section sixty-eight hundred one of the education law, pharmacist consistent with the limitations established in subdivision (w) of section two hundred six of this chapter, physician assistant, specialist assistant, nurse practitioner, or midwife, who is licensed and registered with the state education department.

§ 1-a. Subdivision 6 of section 571 of the public health law, as amended by chapter 444 of the laws of 2013, is amended to read as follows:

6. "Qualified health care professional" means a physician, dentist, podiatrist, optometrist performing a clinical laboratory test that does not use an invasive modality as defined in section seventy-one hundred one of the education law, pharmacist consistent with the limitations established in subdivision (w) of section two hundred six of this chapter, physician assistant, specialist assistant, nurse practitioner, or

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

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1 midwife, who is licensed and registered with the state education depart-
2 ment.

3 § 2. Subdivision 1 of section 579 of the public health law, as amended
4 by chapter 376 of the laws of 2015, is amended to read as follows:

5 1. This title is applicable to all clinical laboratories and blood
6 banks operating within the state, except clinical laboratories and blood
7 banks operated by the federal government and clinical laboratories oper-
8 ated by a licensed physician, osteopath, dentist, midwife, nurse practi-
9 tioner, optometrist performing a clinical laboratory test that does not
10 use an invasive modality as defined in section seventy-one hundred one
11 of the education law, pharmacist consistent with the limitations estab-
12 lished in subdivision (w) of section two hundred six of this chapter, or
13 podiatrist who performs laboratory tests or procedures, personally or
14 through his or her employees, solely as an adjunct to the treatment of
15 his or her own patients; to the extent authorized by federal and state
16 law, including the education law.

17 § 3. Section 6801 of the education law is amended by adding a new
18 subdivision 9 to read as follows:

19 9. A licensed pharmacist, may complete a "waived test", as defined in
20 subdivision five of section five hundred seventy-one of the public
21 health law.

22 § 4. Subdivision 1 of section 206 of the public health law is amended
23 by adding a new paragraph (w) to read as follows:

24 (w) establish a list of CLIA-waived tests that may be performed by
25 pharmacists licensed under article one hundred thirty-seven of the
26 education law. This list shall be established by the commissioner. In
27 connection with specific tests, the commissioner shall establish proto-
28 cols between health care practitioners and pharmacists, as appropriate
29 including, but not limited to establishing required communications from
30 pharmacists to healthcare practitioners regarding test results.

31 § 5. This act shall take effect immediately; provided, however, that
32 the amendments to subdivision 6 of section 571 of the public health law
33 made by section one of this act shall be subject to the expiration and
34 reversion of such subdivision pursuant to section 8 of part C of chapter
35 57 of the laws of 2022, when upon such date the provisions of section
36 one-a of this act shall take effect. Effective immediately the addi-
37 tion, amendment and/or repeal of any rule or regulation necessary for
38 the implementation of this act on its effective date are authorized to
39 be made and completed on or before such date.