

STATE OF NEW YORK

6337

2023-2024 Regular Sessions

IN SENATE

April 14, 2023

Introduced by Sen. BRESLIN -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to the administration of certain medications by a pharmacist

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

1 Section 1. The opening paragraph and subparagraph 1 of paragraph b of
2 subdivision 22 of section 6802 of the education law, as amended by chap-
3 ter 5 of the laws of 2023, are amended to read as follows:

4 The injection of medications [~~into the deltoid muscle~~] for the treat-
5 ment of mental health and substance use disorder, as prescribed or
6 ordered by a licensed prescriber, acting within the scope of their prac-
7 tice in this state and in accordance with regulations promulgated by the
8 commissioner, in consultation with the department of health and any
9 other state agencies as necessary, provided that:

10 (1) Such administration is conducted pursuant to a valid prescription
11 or order that authorizes a pharmacist to administer medications approved
12 by the U.S. Food and Drug Administration for the treatment of mental
13 health and substance use disorder [~~and the~~]. The pharmacist [~~notifies~~]
14 must notify the licensed prescriber that the administration is complete
15 within five days and shall convey to the prescriber, by making an entry
16 into an interoperable electronic medical records system, an electronic
17 prescribing technology or a pharmacy record, or by using facsimile,
18 electronic transmission or other electronic means. If an electronic
19 means described in this paragraph is not available to the pharmacist at
20 the time of communication, the pharmacist or pharmacist's designee may
21 communicate the information by telephone. Notification is also required
22 if a patient does not receive an administration. Administration in a
23 pharmacy may not commence until after the patient has received the
24 initial injection and is considered eligible for maintenance treatment
25 by the licensed prescriber.

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

LBD10677-02-3

1 § 2. Subdivision 8 of section 6801 of the education law, as added by
2 chapter 802 of the laws of 2022, is amended to read as follows:

3 8. A licensed pharmacist within their lawful scope of practice may
4 administer injectable medications [~~into the deltoid muscle~~], pursuant to
5 section six thousand eight hundred two of this article, for the treat-
6 ment of mental health and substance use disorder, as prescribed or
7 ordered by a licensed prescriber, acting within their scope of practice
8 in this state and in accordance with regulations, including but not
9 limited to regulations promulgated by the commissioner in consultation
10 with any other state agencies, as necessary.

11 § 3. This act shall take effect on the same date and in the same
12 manner as chapter 5 of the laws of 2023, takes effect. Effective imme-
13 diately, the addition, amendment and/or repeal of any rule or regulation
14 necessary for the implementation of this act on its effective date are
15 authorized to be made and completed on or before such date.