

7065

2009-2010 Regular Sessions

I N A S S E M B L Y

March 19, 2009

Introduced by M. of A. GOTTFRIED -- read once and referred to the
Committee on Health

AN ACT to amend the public health law, in relation to authorizing the
use of the electronic medical records system when issuing certain
controlled substances

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. The public health law is amended by adding a new section
2 3335 to read as follows:
3 S 3335. ISSUING UPON PRESCRIPTIONS VIA ELECTRONIC MEDICAL RECORDS
4 SYSTEM. 1. FOR THE PURPOSES OF THIS SECTION, THE TERM "ELECTRONIC
5 MEDICAL RECORDS SYSTEM" SHALL MEAN AN ELECTRONIC MEDICAL RECORDS SYSTEM
6 WHICH ENABLES A PHYSICIAN TO CONSOLIDATE RECORD KEEPING.
7 2. A PHYSICIAN MAY DISPENSE DIRECTLY TO A PHARMACY ANY CONTROLLED
8 SUBSTANCE PRESCRIPTION PURSUANT TO AN ELECTRONIC MEDICAL RECORDS SYSTEM.
9 3. IF A PHYSICIAN OPTS TO ISSUE PRESCRIPTIONS PURSUANT TO SUBDIVISION
10 TWO OF THIS SECTION, SUCH PHYSICIAN SHALL BE ELIGIBLE AND PERMITTED TO
11 ISSUE ANY AND ALL PRESCRIPTIONS THROUGH SUCH ELECTRONIC MEDICAL RECORDS
12 SYSTEM, INCLUDING PRESCRIPTIONS FOR PATIENTS RECEIVING MEDICAID.
13 S 2. This act shall take effect on the ninetieth day after it shall
14 have become a law; provided, however, that effective immediately, the
15 addition, amendment and/or repeal of any rule or regulation necessary
16 for the implementation of this act on its effective date are authorized
17 and directed to be made and completed on or before such effective date.

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

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