S T A T E O F N E W Y O R K

5972

2009-2010 Regular Sessions

I N A S S E M B L Y

February 23, 2009

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

AN ACT to amend the public health law, in relation to the redistribution and reimbursement of certain unused medications

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

Section 1. The public health law is amended by adding a new section 2803-s to read as follows:

S 2803-S. RESIDENTIAL HEALTH CARE AND LONG TERM CARE FACILITIES; REDISTRIBUTION OF UNUSED MEDICATION. 1. (A) NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY, THE COMMISSIONER IS HEREBY AUTHORIZED AND DIRECTED TO PERMIT A RESIDENTIAL HEALTH CARE FACILITY OR A LONG TERM CARE FACILITY TO REDISTRIBUTE ANY UNUSED MEDICATION FOR USE WITHIN SUCH FACILITY PROVIDED THAT SUCH MEDICATION IS SEALED IN UNOPENED, INDIVIDUALLY PACKAGED UNITS AND WITHIN THE RECOMMENDED PERIOD OF SHELF LIFE, AND PROVIDED THAT SUCH MEDICATION IS NOT A CONTROLLED SUBSTANCE AS DEFINED IN SECTION THIRTY-THREE HUNDRED SIX OF THIS CHAPTER.

(B) IF SUCH MEDICATIONS ARE REPACKAGED IN MANUFACTURER'S UNIT DOSE OR MULTIPLE-DOSE BLISTER PACKS, SUCH MEDICATION MAY BE REDISTRIBUTED BY SUCH RESIDENTIAL HEALTH CARE OR LONG TERM CARE FACILITY IF: (I) THE MEDICATION LABEL CLEARLY INDICATES THE MEDICATION LOT NUMBER, EXPIRATION DATE AND DATE ON WHICH SUCH MEDICATION WAS REPACKAGED; (II) LESS THAN NINETY DAYS HAVE ELAPSED FROM THE DATE OF REPACKAGING OF SUCH MEDICATION; AND (III) A REPACKAGING LOG IS MAINTAINED BY SUCH FACILITY IN THE CASE OF MEDICATIONS REPACKAGED IN ADVANCE OF IMMEDIATE NEEDS.

(C) NO MEDICATION DISTRIBUTED IN A BULK DISPENSING CONTAINER MAY BE REDISTRIBUTED TO A RESIDENT WITHIN SUCH FACILITY.

2. THE RESIDENTIAL HEALTH CARE FACILITY OR LONG TERM CARE FACILITY SHALL BE PERMITTED TO RECEIVE, RESTOCK AND REDISTRIBUTE THE MEDICATION

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

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AS DESCRIBED IN SUBDIVISION ONE OF THIS SECTION TO RESIDENTS WITHIN SUCH FACILITIES.

3. THE RESIDENTIAL HEALTH CARE FACILITY OR THE LONG TERM CARE FACILITY IN WHICH SUCH MEDICATION AS DESCRIBED IN SUBDIVISION ONE OF THIS SECTION IS REUSED SHALL BE REQUIRED TO REIMBURSE OR CREDIT THE PURCHASER OF THAT MEDICATION FOR THE UNUSED MEDICATION THAT IS RESTOCKED AND REDISTRIBUTED. NO RESIDENTIAL HEALTH CARE FACILITY OR LONG TERM CARE FACILITY SHALL BE REQUIRED TO REUSE ANY MEDICATION RETURNED UNDER SUBDIVISION ONE OF THIS SECTION.

4. NEITHER AN INDIVIDUAL PATIENT NOR THE STATE, IF A PATIENT IS A RECIPIENT OF A STATE FUNDED PROGRAM, SHALL BE CHARGED FOR UNUSED MEDICATION WHICH ACCORDING TO THE PROVISIONS OF THIS LAW IS RETURNED FOR REIMBURSEMENT OR CREDIT.

S 2. This act shall take effect immediately.