

8101

2009-2010 Regular Sessions

I N A S S E M B L Y

May 4, 2009

Introduced by M. of A. NOLAN -- 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 promoting the office of the professions complaint process

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

1 Section 1. The education law is amended by adding a new section 6829  
2 to read as follows:

3 S 6829. OFFICE OF THE PROFESSIONS. 1. EVERY PHARMACY SHALL HAVE A SIGN  
4 NOTIFYING PEOPLE OF THE AVAILABILITY OF THE OFFICE OF THE PROFESSIONS  
5 WITHIN THE NEW YORK STATE EDUCATION DEPARTMENT TO HANDLE COMPLAINTS  
6 ABOUT PROFESSIONAL MISCONDUCT, INCLUDING THE PRESCRIPTION DRUG DISPENS-  
7 ING PROCESS, COUNSELING-RELATED ISSUES AND LICENSURE ISSUES. THE SIGN  
8 MUST INCLUDE THE PHONE NUMBER, WEB ADDRESS AND THE ELECTRONIC MAIL  
9 ADDRESS OF THE OFFICE OF THE PROFESSIONS AND BE CONSPICUOUSLY POSTED AT  
10 OR ADJACENT TO THE PLACE IN THE PHARMACY WHERE PRESCRIPTIONS ARE  
11 PRESENTED FOR COMPOUNDING AND DISPENSING, IN THE WAITING AREA FOR  
12 CUSTOMERS, OR IN THE AREA WHERE PRESCRIBED DRUGS ARE DELIVERED.

13 2. THE OFFICE SHALL POST ELECTRONICALLY AND MAKE AVAILABLE FOR DOWN-  
14 LOAD OR OTHERWISE A UNIFORM SIGN AS DESCRIBED IN SUBDIVISION ONE OF THIS  
15 SECTION. SUCH SIGN SHALL CONTAIN LETTERS OF AT LEAST ONE-HALF INCH IN  
16 HEIGHT. PHARMACIES MAY INCORPORATE SUCH LANGUAGE INTO AN EXISTING SIGN  
17 THAT COMPLIES WITH ALL FEDERAL AND STATE POSTING REQUIREMENTS PROVIDED  
18 THAT THERE IS A CLEAR DELINEATION BETWEEN ADVISORY MESSAGES ON THE SAME  
19 SIGN.

20 3. THE DEPARTMENT SHALL PROMULGATE RULES AND REGULATIONS TO IMPLEMENT  
21 THE PROVISIONS OF THIS SECTION.

22 S 2. Section 276-a of the public health law is amended by adding a new  
23 subdivision 3-a to read as follows:

24 3-A. THE PRESCRIPTION DRUG RETAIL PRICE LIST DATABASE LISTED ON THE  
25 DEPARTMENT'S WEBSITE SHALL CONTAIN ADVISORY INFORMATION ON THE AVAIL-

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

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1 ABILITY OF THE OFFICE OF PROFESSIONS WITHIN THE NEW YORK STATE EDUCATION  
2 DEPARTMENT TO HANDLE COMPLAINTS ABOUT PROFESSIONAL MISCONDUCT, INCLUDING  
3 THE PRESCRIPTION DRUG DISPENSING PROCESS, COUNSELING-RELATED ISSUES AND  
4 LICENSURE ISSUES, AS PROMULGATED BY THE OFFICE OF THE PROFESSIONS IN  
5 ACCORDANCE WITH SECTION SIXTY-EIGHT HUNDRED TWENTY-NINE OF THE EDUCATION  
6 LAW.

7 S 3. Paragraph (c) of subdivision 1 of section 12 of the public  
8 health law, as added by section 16 of part A of chapter 58 of the laws  
9 of 2008, is amended to read as follows:

10 (c) The penalty provided for in paragraph (a) of this subdivision may  
11 be increased to an amount not to exceed ten thousand dollars if the  
12 violation directly results in serious physical harm to any patient or  
13 patients, EXCEPT IF THE VIOLATION WAS A VIOLATION OF SUBDIVISION THREE-A  
14 OF SECTION TWO HUNDRED SEVENTY-SIX-A OF THIS CHAPTER.

15 S 4. This act shall take effect on the sixtieth day after it shall  
16 have become a law; provided however that the amendments to paragraph (c)  
17 of subdivision 1 of section 12 of the public health law made by section  
18 three of this act shall not affect the expiration and reversion of such  
19 section and shall expire therewith.