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

2484--C

2009-2010 Regular Sessions

I N S E N A T E

February 20, 2009

Introduced by Sens. KLEIN, BRESLIN, DIAZ, HASSELL-THOMPSON, HUNTLEY, MONTGOMERY, SAVINO, SCHNEIDERMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee and committed to the Committee on Finance -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- recommitted to the Committee on Higher Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law and the public health law, in relation to providing public notice of the education department professional misconduct complaint process relating to pharmacies

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

Section 1. Subdivision 4 of section 6826 of the education law, as amended by chapter 293 of the laws of 2005, is amended and a new subdivision 4-a is added to read as follows:

4. Pharmacies shall have a sign notifying people of BOTH: (A) the availability of the drug retail price list and the availability of the department of health prescription drug retail price list database and the web address of that database, AND (B) THE JURISDICTION OF THE DEPARTMENT TO ACCEPT AND INVESTIGATE COMPLAINTS ABOUT ALLEGED PROFESSIONAL MISCONDUCT, INCLUDING THE PRESCRIPTION DISPENSING PROCESS, COUNSELING RELATED ISSUES AND LICENSURE ISSUES. EACH SUCH SIGN SHALL BE conspicuously posted at or adjacent to the place in the pharmacy where prescriptions are presented for compounding and dispensing, in the waiting area for customers, or in the area where prescribed drugs are delivered.

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

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4-A. THE NOTICE REQUIRED PURSUANT TO PARAGRAPH (B) OF SUBDIVISION FOUR OF THIS SECTION SHALL INCLUDE THE TELEPHONE NUMBER, INTERNET WEB ADDRESS AND ELECTRONIC MAIL ADDRESS OF THE DEPARTMENT. PROVIDED, FURTHER, THAT THE PROVISIONS OF SUCH PARAGRAPH SHALL NOT APPLY TO ANY PHARMACY IN A HOSPITAL OR RESIDENTIAL HEALTH CARE FACILITY, AS DEFINED IN SECTION TWENTY-EIGHT HUNDRED ONE OF THE PUBLIC HEALTH LAW, WHICH DISPENSES DRUGS TO PATIENTS ADMITTED TO SUCH HOSPITAL OR FACILITY.

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

3-A. THE PRESCRIPTION DRUG RETAIL PRICE LIST DATABASE POSTED ON THE DEPARTMENT'S INTERNET WEBSITE SHALL INCLUDE A NOTICE ON THE JURISDICTION OF THE EDUCATION DEPARTMENT TO ACCEPT AND INVESTIGATE COMPLAINTS ABOUT ALLEGED PROFESSIONAL MISCONDUCT BY PHARMACISTS AND PHARMACIES, INCLUDING THE PRESCRIPTION DRUG DISPENSING PROCESS, COUNSELING RELATED ISSUES AND LICENSURE ISSUES, AS REQUIRED BY PARAGRAPH (B) OF SUBDIVISION FOUR OF SECTION SIXTY-EIGHT HUNDRED TWENTY-SIX OF THE EDUCATION LAW.

S 3. This act shall take effect on the one hundred eightieth day after it shall have become a law.