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

3276

2009-2010 Regular Sessions

I N S E N A T E

March 13, 2009

Introduced by Sen. NOZZOLIO -- read twice and ordered printed, and when printed to be committed 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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The public health law is amended by adding a new section 3335 to read as follows:

S 3335. ISSUING UPON PRESCRIPTIONS VIA ELECTRONIC MEDICAL RECORDS SYSTEM. 1. FOR THE PURPOSES OF THIS SECTION, THE TERM "ELECTRONIC MEDICAL RECORDS SYSTEM" SHALL MEAN AN ELECTRONIC MEDICAL RECORDS SYSTEM WHICH ENABLES A PHYSICIAN TO CONSOLIDATE RECORD KEEPING.

2. A PHYSICIAN MAY DISPENSE DIRECTLY TO A PHARMACY ANY CONTROLLED SUBSTANCE PRESCRIPTION PURSUANT TO AN ELECTRONIC MEDICAL RECORDS SYSTEM.

3. IF A PHYSICIAN OPTS TO ISSUE PRESCRIPTIONS PURSUANT TO SUBDIVISION TWO OF THIS SECTION, SUCH PHYSICIAN SHALL BE ELIGIBLE AND PERMITTED TO ISSUE ANY AND ALL PRESCRIPTIONS THROUGH SUCH ELECTRONIC MEDICAL RECORDS SYSTEM, INCLUDING PRESCRIPTIONS FOR PATIENTS RECEIVING MEDICAID.

S 2. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized 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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