

S T A T E   O F   N E W   Y O R K

---

7595

2011-2012 Regular Sessions

I N   A S S E M B L Y

May 10, 2011

---

Introduced by M. of A. TITONE -- 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 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 ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 4 of section 6826 of the education law, as  
2     amended by chapter 293 of the laws of 2005, is amended and a new subdi-  
3     vision 4-a is added to read as follows:  
4     4. Pharmacies shall have a sign notifying people of BOTH: (A) the  
5     availability of the drug retail price list and the availability of the  
6     department of health prescription drug retail price list database and  
7     the web address of that database, AND (B) THE JURISDICTION OF THE  
8     DEPARTMENT TO ACCEPT AND INVESTIGATE COMPLAINTS ABOUT ALLEGED PROFES-  
9     SIONAL MISCONDUCT, INCLUDING THE PRESCRIPTION DISPENSING PROCESS, COUN-  
10    SELING RELATED ISSUES AND LICENSURE ISSUES. EACH SUCH SIGN SHALL BE  
11    conspicuously posted at or adjacent to the place in the pharmacy where  
12    prescriptions are presented for compounding and dispensing, in the wait-  
13    ing area for customers, or in the area where prescribed drugs are deliv-  
14    ered.  
15    4-A. THE NOTICE REQUIRED PURSUANT TO PARAGRAPH (B) OF SUBDIVISION FOUR  
16    OF THIS SECTION SHALL INCLUDE THE TELEPHONE NUMBER, INTERNET WEB ADDRESS  
17    AND ELECTRONIC MAIL ADDRESS OF THE DEPARTMENT. PROVIDED, FURTHER, THAT  
18    THE PROVISIONS OF SUCH PARAGRAPH SHALL NOT APPLY TO ANY PHARMACY IN A  
19    HOSPITAL OR RESIDENTIAL HEALTH CARE FACILITY, AS DEFINED IN SECTION  
20    TWENTY-EIGHT HUNDRED ONE OF THE PUBLIC HEALTH LAW, WHICH DISPENSES DRUGS  
21    TO PATIENTS ADMITTED TO SUCH HOSPITAL OR FACILITY.  
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:

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

LBD04765-01-1

1 3-A. THE PRESCRIPTION DRUG RETAIL PRICE LIST DATABASE POSTED ON THE  
2 DEPARTMENT'S INTERNET WEBSITE SHALL INCLUDE A NOTICE ON THE JURISDICTION  
3 OF THE EDUCATION DEPARTMENT TO ACCEPT AND INVESTIGATE COMPLAINTS ABOUT  
4 ALLEGED PROFESSIONAL MISCONDUCT BY PHARMACISTS AND PHARMACIES, INCLUDING  
5 THE PRESCRIPTION DRUG DISPENSING PROCESS, COUNSELING RELATED ISSUES AND  
6 LICENSURE ISSUES, AS REQUIRED BY PARAGRAPH (B) OF SUBDIVISION FOUR OF  
7 SECTION SIXTY-EIGHT HUNDRED TWENTY-SIX OF THE EDUCATION LAW.  
8 S 3. This act shall take effect on the one hundred eightieth day after  
9 it shall have become a law.