

1033

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sens. KLEIN, ADAMS, BRESLIN, DIAZ, HASSELL-THOMPSON, HUN-
LEY, MONTGOMERY, SAVINO -- read twice and ordered printed, and when
printed to be committed 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.

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

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1 S 2. Section 276-a of the public health law is amended by adding a new
2 subdivision 3-a to read as follows:
3 3-A. THE PRESCRIPTION DRUG RETAIL PRICE LIST DATABASE POSTED ON THE
4 DEPARTMENT'S INTERNET WEBSITE SHALL INCLUDE A NOTICE ON THE JURISDICTION
5 OF THE EDUCATION DEPARTMENT TO ACCEPT AND INVESTIGATE COMPLAINTS ABOUT
6 ALLEGED PROFESSIONAL MISCONDUCT BY PHARMACISTS AND PHARMACIES, INCLUDING
7 THE PRESCRIPTION DRUG DISPENSING PROCESS, COUNSELING RELATED ISSUES AND
8 LICENSURE ISSUES, AS REQUIRED BY PARAGRAPH (B) OF SUBDIVISION FOUR OF
9 SECTION SIXTY-EIGHT HUNDRED TWENTY-SIX OF THE EDUCATION LAW.
10 S 3. This act shall take effect on the one hundred eightieth day after
11 it shall have become a law.