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

5877

2011-2012 Regular Sessions

I N S E N A T E

August 31, 2011

Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the public health law, in relation to filing of prescription information with the department of health, disclosure of patient information, establishing a report on prescription patterns in the state and establishing a safe disposal of prescription drugs task force

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

Section 1. Section 3332 of the public health law is amended by adding a new subdivision 5 to read as follows:

5. THE PRACTITIONER SHALL FILE THE INFORMATION INCLUDED ON EACH SUCH PRESCRIPTION WITH THE DEPARTMENT BY ELECTRONIC MEANS IN SUCH MANNER, FORM AND DETAIL AS SHALL BE REQUIRED BY REGULATIONS PROMULGATED BY THE COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER OF EDUCATION.

S 2. Paragraphs (d) and (e) of subdivision 1 of section 3371 of the public health law, as amended by chapter 178 of the laws of 2010, are amended and a new paragraph (f) is added to read as follows:

(d) to a central registry established pursuant to this article; [and]

(e) to a practitioner to inform him or her that a patient may be under treatment with a controlled substance by another practitioner[.]; OR

(F) TO A PHARMACIST OR INSTITUTIONAL DISPENSER TO INFORM HIM OR HER THAT A PATIENT MAY HAVE ALSO OBTAINED ONE OR MORE CONTROLLED SUBSTANCES FROM ANOTHER PHARMACIST OR INSTITUTIONAL DISPENSER, WHERE THE CIRCUMSTANCES INDICATE A POSSIBILITY OF DRUG ABUSE OR DIVERSION, POTENTIAL HARM TO THE PERSON, OR OTHER SIMILAR GROUNDS.

S 3. The public health law is amended by adding two new sections 3375 and 3376 to read as follows:

S 3375. REPORT ON PRESCRIPTION PATTERNS IN THE STATE. 1. THE DEPARTMENT SHALL DEVELOP A DRAFT REPORT USING EXISTING PRESCRIPTION DATA IN ORDER TO IDENTIFY ANY POSSIBLE PATTERNS IN THE PRESCRIPTION OF

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

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CONTROLLED SUBSTANCES WITHIN THE STATE, SPECIFICALLY AIMED AT EXPOSING ANY PATTERNS THAT SUGGEST CASES OF THE DIVERSION OF CONTROLLED SUBSTANCES. THE DEPARTMENT SHALL CONSULT WITH THE DEPARTMENT OF LAW AND ANY RELEVANT LAW ENFORCEMENT AGENCIES AND OFFICES IN THE STATE IN THE DEVELOPMENT OF SUCH DRAFT REPORT.

2. UPON APPROVAL OF THE DRAFT REPORT, THE DEPARTMENT SHALL MAKE THE REPORT AVAILABLE TO LAW ENFORCEMENT AGENCIES UPON REQUEST.

3. THE DEPARTMENT SHALL UPDATE SUCH REPORT ON A QUARTERLY BASIS.

4. NOTHING IN THIS SECTION SHALL BE DEEMED TO AUTHORIZE THE DISCLOSURE OF INFORMATION OTHERWISE PROHIBITED BY FEDERAL LAW OR ANY OTHER PROVISION OF THIS CHAPTER.

S 3376. SAFE DISPOSAL OF PRESCRIPTION DRUGS TASK FORCE. 1. THERE IS HEREBY ESTABLISHED, IN THE DEPARTMENT, A SAFE DISPOSAL OF PRESCRIPTION DRUGS TASK FORCE. SUCH TASK FORCE SHALL BE COMPOSED OF FOURTEEN MEMBERS, WHICH SHALL INCLUDE THE COMMISSIONER OR HIS OR HER DESIGNEE, AND THIRTEEN MEMBERS APPOINTED BY THE COMMISSIONER. OF THE MEMBERS APPOINTED BY THE COMMISSIONER, A MEMBER SHALL BE APPOINTED FROM EACH OF THE FOLLOWING: THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE OF THE CITY OF NEW YORK, A PUBLIC HEALTH OFFICER, THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, THE DIVISION OF CRIMINAL JUSTICE SERVICES, A PHARMACIST OR A MEMBER OF A TRADE ORGANIZATION REPRESENTING PHARMACISTS, A PHYSICIAN OR A MEMBER OF A TRADE ASSOCIATION REPRESENTING PHYSICIANS, A PERSON WITH EXPERTISE IN HOSPITAL ADMINISTRATION, A REPRESENTATIVE OF THE PHARMACEUTICAL INDUSTRY, A PERSON WITH EXPERTISE IN WASTE MANAGEMENT, A LAW ENFORCEMENT OFFICIAL, AND A PERSON WITH EXPERTISE IN TOXICOLOGY. THE COMMISSIONER OR HIS OR HER DESIGNEE SHALL BE THE CHAIR OF THE TASK FORCE.

2. THE MEMBERS OF THE TASK FORCE SHALL SERVE WITHOUT COMPENSATION, PROVIDED, HOWEVER, THAT THE MEMBERS APPOINTED BY THE COMMISSIONER SHALL BE ALLOWED THEIR NECESSARY AND ACTUAL EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES PURSUANT TO THIS SECTION.

3. THE TASK FORCE SHALL:

(A) ASSESS EXISTING LAWS, ESPECIALLY THIS CHAPTER, THE PENAL LAW AND THE ENVIRONMENTAL CONSERVATION LAW, AND EXISTING REGULATIONS GOVERNING THE ABILITY OF INDIVIDUALS AND ORGANIZATIONS OR FACILITIES TO DISPOSE OF EXPIRED OR UNUSED PRESCRIPTION DRUGS;

(B) EXAMINE ALL AVAILABLE EVIDENCE AND SCIENTIFIC EVIDENCE REGARDING THE DIVERSION OF EXPIRED OR UNUSED PRESCRIPTION DRUGS AS WELL AS ANY EVIDENCE REGARDING THE POSSIBLE HEALTH CONSEQUENCES OF THE EXISTING METHODS OF DISPOSAL OF EXPIRED OR UNUSED PRESCRIPTION DRUGS;

(C) DETERMINE POSSIBLE LEGISLATIVE AND REGULATORY CHANGES NECESSARY TO ENACT ANY PROGRAM DESIGNED TO FACILITATE THE DISPOSAL OF EXPIRED OR UNUSED PRESCRIPTION DRUGS IN A SAFE AND SECURE MANNER; AND

(D) PREPARE PROPOSALS BASED ON ITS FINDINGS FOR STATE-WIDE PROGRAMS THAT WOULD IMPROVE UPON EXISTING RULES AND REGULATIONS GOVERNING THE DISPOSAL OF EXPIRED OR UNUSED PRESCRIPTION DRUGS.

4. THE TASK FORCE SHALL WITHIN NINE MONTHS OF FIRST CONVENING, PREPARE AND SUBMIT A REPORT TO THE GOVERNOR AND THE LEGISLATURE WHICH SHALL INCLUDE ITS FINDINGS ON THE EXISTING LEGAL AND REGULATORY FRAMEWORK GOVERNING THE DISPOSAL OF EXPIRED OR UNUSED PRESCRIPTION DRUGS, THE HEALTH AND SAFETY DANGERS CREATED BY DIVERSION OF THESE DRUGS AND THEIR CURRENT MANNER OF DISPOSAL, AND CHANGES NECESSARY TO ENACT ANY NEW SYSTEM OR PROGRAM FOR THE SAFE DISPOSAL OF PRESCRIPTION DRUGS.

5. THE TASK FORCE SHALL CONSULT WITH ANY ORGANIZATION, EDUCATION INSTITUTION, GOVERNMENT AGENCY OR INDIVIDUAL POSSESSING RELEVANT INFORMATION OR EXPERTISE.

S 4. This act shall take effect on the first of January next succeeding the date on which it shall have become a law; provided that, effective immediately, any rules and regulations necessary to implement the provisions of this act on its effective date are authorized and directed to be completed on or before such date.