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

8612--A

Cal. No. 704

I N A S S E M B L Y

January 28, 2014

Introduced by M. of A. McDONALD, OTIS, TITONE, LUPARDO, McDONOUGH, BORELLI, GALEF, GUNTHER, CAHILL, COOK, BARRETT, FAHY, PEOPLES-STOKES, CUSICK -- Multi-Sponsored by -- M. of A. BARCLAY, CERETTO, DUPREY, GLICK, HEVESI, McLAUGHLIN, RA, RIVERA, SCHIMEL, SIMANOWITZ, SOLAGES -- read once and referred to the Committee on Higher Education -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the education law, in relation to requiring the consent of the patient or an authorized individual to consent on the patient's behalf before a prescription is delivered

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

1 Section 1. Subdivision 2 of section 6810 of the education law, as
2 added by chapter 881 of the laws of 1972, is amended to read as follows:
3 2. (A) A prescription may not be refilled unless it bears a contrary
4 instruction and indicates on its face the number of times it may be
5 refilled. A prescription may not be refilled more times than allowed on
6 the prescription. The date of each refilling must be indicated on the
7 original prescription. Prescriptions for controlled substances shall be
8 refilled only pursuant to article thirty-three of the public health law.
9 A PHARMACY REGISTERED WITH THE DEPARTMENT PURSUANT TO SECTION
10 SIXTY-EIGHT HUNDRED EIGHT OF THIS ARTICLE MAY NOT DELIVER A NEW OR
11 REFILLED PRESCRIPTION OFF PREMISES WITHOUT THE CONSENT OF THE PATIENT OR
12 AN INDIVIDUAL AUTHORIZED TO CONSENT ON THE PATIENT'S BEHALF. CONSENT
13 SHALL INCLUDE ONE OF THE FOLLOWING:
14 (1) THE PATIENT OR AUTHORIZED INDIVIDUAL'S SIGNATURE OF ACCEPTANCE OF
15 EACH PRESCRIPTION DELIVERED;
16 (2) THE PHARMACY MAY CONTACT THE PATIENT OR OTHER AUTHORIZED INDIVID-
17 UAL FOR CONSENT TO DELIVER AND MUST DOCUMENT CONSENT IN THE PATIENT
18 RECORD; OR
19 (3) FOR PHARMACIES THAT ADMINISTER REFILL REMINDER OR MEDICATION
20 ADHERENCE PROGRAMS AND DELIVER OFF PREMISES, IF A SIGNATURE IS NOT
21 RECEIVED ON EACH PRESCRIPTION, THEN THE REFILL REMINDER PROGRAM OR MEDI-
22 CATION ADHERENCE PROGRAM SHALL BE AN OPT-IN PROGRAM THAT IS UPDATED WITH

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

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PATIENT CONSENT EVERY ONE HUNDRED EIGHTY DAYS ACCOMPANIED BY A DOCUMENTED PATIENT RECORD REVIEW BY A LICENSED PHARMACIST FROM THE PROVIDING PHARMACY AND THE PATIENT BEFORE CONTINUATION OF MEDICATION DELIVERY CAN OCCUR.

(B) PHARMACY PROVIDERS WHO DELIVER MEDICATION WITHOUT PATIENT OR AUTHORIZED INDIVIDUAL CONSENT WILL BE REQUIRED TO ACCEPT THE RETURN OF THE MEDICATION FROM THE PATIENT, PROVIDE THAT PATIENT CREDIT FOR ANY CHARGES THEY MAY HAVE PAID, AND WILL BE REQUIRED TO DESTROY THOSE MEDICATIONS SENT WITHOUT CONSENT ON DELIVERY IN ACCORDANCE WITH APPLICABLE STATE AND FEDERAL LAW. NOTHING IN THIS SECTION SHALL BE DEEMED TO INTERFERE WITH THE REQUIREMENTS FOR REFILL REMINDER OR MEDICATION ADHERENCE PROGRAMS. NOTHING IN THIS SECTION IS INTENDED TO APPLY TO LONG-TERM CARE PHARMACY DISPENSING AND DELIVERY.

S 2. This act shall take effect immediately; provided, however, that if this act shall take effect on or after January 1, 2015, the commissioner of education shall promulgate any rule or regulation necessary to implement the provisions of this act on of before January 1, 2015.