

6449

I N S E N A T E

January 24, 2014

Introduced by Sen. HANNON -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

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 PRESCRIPTION (NEW OR REFILL) MAY NOT BE DELIVERED OFF PREMISES WITH-
10 OUT THE CONSENT OF THE PATIENT OR AN INDIVIDUAL AUTHORIZED TO CONSENT ON
11 THE PATIENT'S BEHALF. CONSENT SHALL INCLUDE ONE OF THE FOLLOWING:
12 (1) THE PATIENT OR AUTHORIZED INDIVIDUAL'S SIGNATURE OF ACCEPTANCE OF
13 EACH PRESCRIPTION DELIVERED;
14 (2) THE PHARMACY MAY CONTACT THE PATIENT OR OTHER AUTHORIZED INDIVID-
15 UAL FOR CONSENT TO DELIVER AND MUST DOCUMENT CONSENT IN THE PATIENT
16 RECORD; OR
17 (3) FOR PHARMACIES THAT ADMINISTER REFILL REMINDER OR MEDICATION
18 ADHERENCE PROGRAMS AND DELIVER OFF PREMISES, IF A SIGNATURE IS NOT
19 RECEIVED ON EACH PRESCRIPTION, THEN THE REFILL REMINDER PROGRAM OR MEDI-
20 CATION ADHERENCE PROGRAM SHALL BE AN OPT-IN PROGRAM THAT IS UPDATED WITH
21 PATIENT CONSENT EVERY ONE HUNDRED EIGHTY DAYS ACCOMPANIED BY A DOCU-
22 MENTED PATIENT RECORD REVIEW BY A LICENSED PHARMACIST FROM THE PROVIDING
23 PHARMACY AND THE PATIENT BEFORE CONTINUATION OF MEDICATION DELIVERY CAN
24 OCCUR.
25 (B) PHARMACY PROVIDERS WHO DELIVER MEDICATION WITHOUT PATIENT OR
26 AUTHORIZED INDIVIDUAL CONSENT WILL BE REQUIRED TO ACCEPT THE RETURN OF
27 THE MEDICATION FROM THE PATIENT, PROVIDE THAT PATIENT CREDIT FOR ANY

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

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1 CHARGES THEY MAY HAVE PAID, AND WILL BE REQUIRED TO DESTROY THOSE MEDI-
2 CATIONS SENT WITHOUT CONSENT ON DELIVERY IN ACCORDANCE WITH APPLICABLE
3 STATE AND FEDERAL LAW. NOTHING IN THIS SECTION SHALL BE DEEMED TO INTER-
4 FERE WITH THE REQUIREMENTS FOR REFILL REMINDER OR MEDICATION ADHERENCE
5 PROGRAMS. NOTHING IN THIS SECTION IS INTENDED TO APPLY TO LONG-TERM CARE
6 PHARMACY DISPENSING AND DELIVERY.
7 S 2. This act shall take effect immediately; provided, however, that
8 if this act shall take effect on or after January 1, 2015, the commis-
9 sioner of education shall promulgate any rule or regulation necessary to
10 implement the provisions of this act on or before January 1, 2015.