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

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I N S E N A T E

June 18, 2014

Introduced by Sen. BOYLE -- 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 requiring baseline and periodic and/or targeting drug testing to be utilized by clinicians prescribing prescription narcotic drugs

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

Section 1. Section 3331 of the public health law is amended by adding a new subdivision 8 to read as follows:

8. (A) BASELINE AND PERIODIC AND/OR TARGETING DRUG TESTING SHALL BE UTILIZED BY CLINICIANS PRESCRIBING PRESCRIPTION NARCOTIC DRUGS, AS DEFINED BY SUBDIVISIONS (B) AND (C) OF SCHEDULE II OF SECTION THIRTY-THREE HUNDRED SIX OF THIS ARTICLE, TO ESTABLISH A GENERAL ASSESSMENT FOR NEW PATIENTS AND IN MONITORING ADHERENCE TO EXISTING PATIENT TREATMENT PLANS, AS WELL AS DETECTING THE USE OF NON-PRESCRIBED DRUGS.

(B) (I) TESTING SHALL BE REQUIRED PRIOR TO THE ISSUANCE OF THE INITIAL PRESCRIPTION AND SHALL INCLUDE CONFIRMATORY OR QUANTITATIVE METHODS, SUCH AS BUT NOT LIMITED TO LIQUID CHROMATOGRAPHY - MASS SPECTROMETRY TECHNOLOGY.

(II) A CLINICIAN SHALL NOT ISSUE IN EXCESS OF A FOUR-DAY SUPPLY OF A PRESCRIPTION NARCOTIC DRUG WITHOUT FIRST OBTAINING CONFIRMATORY OR QUANTITATIVE TESTING RESULTS PRIOR TO AN INITIAL PRESCRIPTION BEING ISSUED.

(C) SUCH TESTING, AT A MINIMUM, SHALL OCCUR TWICE ANNUALLY. PATIENTS BEING TREATED FOR ADDICTION SHALL BE TESTED AS FREQUENTLY AS NECESSARY TO ENSURE THERAPEUTIC ADHERENCE.

(D) THE DEPARTMENT IS DIRECTED TO ENSURE THAT CONFIRMATORY AND QUANTITATIVE CHROMATOGRAPHIC DRUG TESTING METHODOLOGIES ARE SUBJECT TO REIMBURSEMENT FOR CLINICAL HEALTH CARE PROVIDERS, INCLUDING CLINICAL LABORATORIES.

(E) FOR THE PURPOSES OF THIS SUBDIVISION, THE FOLLOWING DEFINITIONS SHALL APPLY:

(I) "BASELINE TESTING" MEANS THE INITIAL PATIENT ASSESSMENT THROUGH URINE DRUG TESTING TO (1) IDENTIFY THE PRESENCE OF ILLICIT SUBSTANCES

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

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PRIOR TO PRESCRIBING THE CONTROLLED MEDICATIONS, OR (2) CONFIRM THE PRESENCE OR ABSENCE OF A PRESCRIBED DRUG OR DRUG CLASS.

(II) "PERIODIC TESTING" MEANS RANDOM URINE DRUG TESTING, AT RANDOM VISITS WITH A RANDOM SELECTION OF DRUGS TO BE TESTED. THE FREQUENCY OF PERIODIC TESTING SHALL BE BASED ON MEDICAL NECESSITY AND A COMPLETE CLINICAL ASSESSMENT OF THE INDIVIDUAL PATIENT'S RISK POTENTIAL FOR ABUSE AND DIVERSION.

(III) "TARGETED TESTING" MEANS A TEST ORDERED AT THE DISCRETION OF A CLINICIAN, BASED ON OBSERVATION OF THE PATIENT AND RELATED CIRCUMSTANCES, THAT ENHANCE CLINICAL DECISION MAKING.

S 2. This act shall take effect on the sixtieth day after it shall have become a law.