

4274

2015-2016 Regular Sessions

I N A S S E M B L Y

January 30, 2015

Introduced by M. of A. McDONALD -- read once and referred to the Committee on Health

AN ACT to amend the public health law and the education law, in relation to electronic prescriptions

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

1 Section 1. Subdivision 3 of section 281 of the public health law, as  
2 added by section 2 of part B of chapter 447 of the laws of 2012, is  
3 amended to read as follows:  
4 3. On or before December thirty-first, two thousand twelve, the  
5 commissioner shall promulgate regulations, in consultation with the  
6 commissioner of education, establishing standards for electronic  
7 prescriptions. Notwithstanding any other provision of this section or  
8 any other law to the contrary, effective [two] THREE years subsequent to  
9 the date on which such regulations are promulgated, no person shall  
10 issue any prescription in this state unless such prescription is made by  
11 electronic prescription from the person issuing the prescription to a  
12 pharmacy in accordance with such regulatory standards, except for  
13 prescriptions: (a) issued by veterinarians; (b) issued in circumstances  
14 where electronic prescribing is not available due to temporary techno-  
15 logical or electrical failure, as set forth in regulation; (c) issued by  
16 practitioners who have received a waiver or a renewal thereof for a  
17 specified period determined by the commissioner, not to exceed one year,  
18 from the requirement to use electronic prescribing, pursuant to a process  
19 established in regulation by the commissioner, in consultation with  
20 the commissioner of education, due to economic hardship, technological  
21 limitations that are not reasonably within the control of the practitioner,  
22 or other exceptional circumstance demonstrated by the practitioner;  
23 (d) issued by a practitioner under circumstances where, notwithstanding  
24 the practitioner's present ability to make an electronic  
25 prescription as required by this subdivision, such practitioner reason-

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

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1 ably determines that it would be impractical for the patient to obtain  
2 substances prescribed by electronic prescription in a timely manner, and  
3 such delay would adversely impact the patient's medical condition,  
4 provided that if such prescription is for a controlled substance, the  
5 quantity of controlled substances does not exceed a five day supply if  
6 the controlled substance were used in accordance with the directions for  
7 use; or (e) issued by a practitioner to be dispensed by a pharmacy  
8 located outside the state, as set forth in regulation.

9 S 2. Subdivision 10 of section 6810 of the education law, as added by  
10 section 3 of part B of chapter 447 of the laws of 2012, is amended to  
11 read as follows:

12 10. Notwithstanding any other provision of this section or any other  
13 law to the contrary, effective [two] THREE years subsequent to the date  
14 on which regulations establishing standards for electronic prescriptions  
15 are promulgated by the commissioner of health, in consultation with the  
16 commissioner pursuant to subdivision three of section two hundred eight-  
17 y-one of the public health law, no practitioner shall issue any  
18 prescription in this state, unless such prescription is made by elec-  
19 tronic prescription from the practitioner to a pharmacy, except for  
20 prescriptions: (a) issued by veterinarians; (b) issued or dispensed in  
21 circumstances where electronic prescribing is not available due to  
22 temporary technological or electrical failure, as set forth in regu-  
23 lation; (c) issued by practitioners who have received a waiver or a  
24 renewal thereof for a specified period determined by the commissioner of  
25 health, not to exceed one year, from the requirement to use electronic  
26 prescribing, pursuant to a process established in regulation by the  
27 commissioner of health, in consultation with the commissioner due to  
28 economic hardship, technological limitations that are not reasonably  
29 within the control of the practitioner, or other exceptional circum-  
30 stance demonstrated by the practitioner; (d) issued by a practitioner  
31 under circumstances where, notwithstanding the practitioner's present  
32 ability to make an electronic prescription as required by this subdivi-  
33 sion, such practitioner reasonably determines that it would be impracti-  
34 cal for the patient to obtain substances prescribed by electronic  
35 prescription in a timely manner, and such delay would adversely impact  
36 the patient's medical condition, provided that if such prescription is  
37 for a controlled substance, the quantity that does not exceed a five day  
38 supply if the controlled substance was used in accordance with the  
39 directions for use; or (e) issued by a practitioner to be dispensed by a  
40 pharmacy located outside the state, as set forth in regulation.

41 S 3. This act shall take effect immediately; provided that if this act  
42 shall not have become a law on or before March 27, 2015, this act shall  
43 be deemed to have been in full force and effect on and after March 27,  
44 2015.