

4278--A

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 Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to delivery of prescriptions off premises of a pharmacy

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

1 Section 1. The second undesignated paragraph of paragraph (a) of
2 subdivision 2 of section 6810 of the education law, as added by chapter
3 413 of the laws of 2014, is amended to read as follows:
4 A pharmacy registered with the department pursuant to section sixty-
5 eight hundred eight OR SIXTY-EIGHT HUNDRED EIGHT-B of this article may
6 not deliver a new or refilled prescription off premises without the
7 consent of the patient or an individual authorized to consent on the
8 patient's behalf. [Consent shall include one of the following:
9 (1) the patient or authorized individual's signature of acceptance of
10 each prescription delivered;
11 (2) the pharmacy may contact the patient or other authorized individ-
12 ual for consent to deliver and must document consent in the patient
13 record; or
14 (3) for pharmacies that administer refill reminder or medication
15 adherence programs and deliver off premises, if a signature is not
16 received on each prescription, then the refill reminder program or medi-
17 cation adherence program shall be an OPT-IN program that is updated with
18 patient consent every one hundred eighty days accompanied by a docu-
19 mented patient record review by a licensed pharmacist from the providing
20 pharmacy and the patient before continuation of medication delivery can
21 occur] FOR THE PURPOSES OF THIS SECTION, CONSENT MAY BE OBTAINED IN THE
22 SAME MANNER AND PROCESS BY WHICH CONSENT IS DEEMED ACCEPTABLE UNDER THE
23 FEDERAL MEDICARE PART D PROGRAM.
24 S 2. This act shall take effect immediately and shall be deemed to
25 have been in full force and effect on and after October 21, 2014.

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

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