

8707--A

I N A S S E M B L Y

January 13, 2016

Introduced by M. of A. PAULIN, GOTTFRIED, THIELE, SEPULVEDA, GALEF, RUSSELL, COOK, RIVERA, SEAWRIGHT, JAFFEE, DINOWITZ, BICHOTTE, BARRETT -- Multi-Sponsored by -- M. of A. BRENNAN, ROBINSON -- 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 the dispensing of contraceptive drugs and devices that are self-administered

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

1 Section 1. The education law is amended by adding a new section
2 6505-d to read as follows:
3 S 6505-D. NON-PATIENT SPECIFIC REGIMEN. A NON-PATIENT SPECIFIC REGIMEN
4 PRESCRIBED AND ORDERED UNDER THIS CHAPTER SHALL BE DEEMED TO BE A
5 PRESCRIPTION FOR ALL PURPOSES OF THE INSURANCE LAW.
6 S 2. Section 6527 of the education law is amended by adding a new
7 subdivision 9 to read as follows:
8 9. A LICENSED PHYSICIAN MAY PRESCRIBE AND ORDER A NON-PATIENT SPECIFIC
9 REGIMEN TO A LICENSED PHARMACIST, FOR DISPENSING CONTRACEPTIVE DRUGS AND
10 DEVICES THAT ARE SELF-ADMINISTERED AND APPROVED BY THE FEDERAL FOOD AND
11 DRUG ADMINISTRATION, IN ACCORDANCE WITH PROFESSIONAL STANDARDS OF PRAC-
12 TICE AND SUBDIVISION FOUR OF SECTION SIXTY-EIGHT HUNDRED SEVEN OF THIS
13 TITLE.
14 S 3. Subdivision 3 of section 6807 of the education law, as added by
15 chapter 573 of the laws of 1999, is amended and a new subdivision 4 is
16 added to read as follows:
17 3. A pharmacist may dispense drugs and devices to a registered profes-
18 sional nurse, and a registered professional nurse may possess and admin-
19 ister, drugs and devices, pursuant to a non-patient specific regimen
20 prescribed or ordered by a licensed physician, LICENSED MIDWIFE, or
21 certified nurse practitioner, pursuant to regulations promulgated by the
22 commissioner and the public health law.
23 4. A. A LICENSED PHARMACIST MAY DISPENSE A NON-PATIENT SPECIFIC REGI-
24 MEN OF CONTRACEPTIVE DRUGS AND DEVICES THAT ARE SELF-ADMINISTERED AND

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

LBD13241-03-6

1 APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION, PRESCRIBED OR
2 ORDERED BY A LICENSED PHYSICIAN, CERTIFIED NURSE PRACTITIONER, OR
3 LICENSED MIDWIFE, PURSUANT TO RULES AND REGULATIONS PROMULGATED BY THE
4 COMMISSIONER, IN ACCORDANCE WITH PROFESSIONAL STANDARDS OF PRACTICE AND
5 THE PROVISIONS OF THIS SUBDIVISION.

6 B. THE DISPENSING OF CONTRACEPTIVE DRUGS AND DEVICES THAT ARE SELF-AD-
7 MINISTERED BY A LICENSED PHARMACIST UNDER THIS SUBDIVISION SHALL BE DONE
8 IN ACCORDANCE WITH WRITTEN PROCEDURES AND PROTOCOLS DEVELOPED BY A PHAR-
9 MACIST AND A LICENSED PHYSICIAN, CERTIFIED NURSE PRACTITIONER, LICENSED
10 MIDWIFE, OR A HOSPITAL (LICENSED UNDER ARTICLE TWENTY-EIGHT OF THE
11 PUBLIC HEALTH LAW) THAT PROVIDES GYNECOLOGICAL OR FAMILY PLANNING
12 SERVICES. WHEN CONTRACEPTIVE DRUGS AND DEVICES THAT ARE SELF-ADMINIS-
13 TERED ARE DISPENSED UNDER THIS SUBDIVISION, THE PHARMACIST SHALL PROVIDE
14 TO THE PATIENT A FACT SHEET THAT INCLUDES THE CLINICAL CONSIDERATIONS
15 AND RECOMMENDATIONS FOR USE OF THE DRUG, THE APPROPRIATE METHOD FOR
16 USING THE DRUG, INFORMATION ON THE IMPORTANCE OF FOLLOW-UP HEALTH CARE,
17 AND HEALTH CARE REFERRAL INFORMATION. THE COMMISSIONER SHALL DEVELOP
18 THIS FACT SHEET IN CONSULTATION WITH THE DEPARTMENT OF HEALTH AND THE
19 AMERICAN COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS. PRIOR TO DISPENSING
20 CONTRACEPTIVE DRUGS AND DEVICES THAT ARE SELF-ADMINISTERED AS AUTHORIZED
21 UNDER THIS SECTION, A PHARMACIST SHALL SUCCESSFULLY COMPLETE CONTRACEP-
22 TIVE DRUG THERAPY EDUCATION AND TRAINING IN ACCORDANCE WITH SUBDIVISION
23 SEVEN OF SECTION SIXTY-EIGHT HUNDRED TWENTY-SEVEN OF THIS ARTICLE.

24 S 4. Section 6827 of the education law is amended by adding a new
25 subdivision 7 to read as follows:

26 7. ACCEPTABLE FORMAL CONTINUING EDUCATION UNDER THIS SECTION SHALL
27 INCLUDE EDUCATION AND TRAINING IN CONTRACEPTIVE DRUGS AND DEVICES THAT
28 ARE SELF-ADMINISTERED, IN ACCORDANCE WITH REGULATIONS OF THE COMMISSION-
29 ER. THE COMMISSIONER MAY PROVIDE THAT A PHARMACIST WHO HAS HAD SUFFI-
30 CIENTLY RECENT EDUCATION AND TRAINING IN CONTRACEPTIVE DRUGS MAY BE
31 EXEMPTED FROM THE REQUIREMENT OF THIS SUBDIVISION.

32 S 5. Subdivision 4 of section 6909 of the education law is amended by
33 adding a new paragraph (g) to read as follows:

34 (G) CONTRACEPTIVE DRUGS AND DEVICES THAT ARE SELF-ADMINISTERED AND
35 APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION, IN ACCORDANCE WITH
36 PROFESSIONAL STANDARDS OF PRACTICE.

37 S 6. Subdivision 5 of section 6909 of the education law, as added by
38 chapter 573 of the laws of 1999, is amended to read as follows:

39 5. A registered professional nurse may execute a non-patient specific
40 regimen prescribed or ordered by a licensed physician, LICENSED MIDWIFE,
41 or certified nurse practitioner, pursuant to regulations promulgated by
42 the commissioner.

43 S 7. Section 6909 of the education law is amended by adding a new
44 subdivision 8 to read as follows:

45 8. A CERTIFIED NURSE PRACTITIONER MAY PRESCRIBE AND ORDER A NON-PA-
46 TIENT SPECIFIC REGIMEN TO A LICENSED PHARMACIST, FOR DISPENSING CONTRA-
47 CEPTIVE DRUGS AND DEVICES THAT ARE SELF-ADMINISTERED AND APPROVED BY THE
48 FEDERAL FOOD AND DRUG ADMINISTRATION, IN ACCORDANCE WITH PROFESSIONAL
49 STANDARDS OF PRACTICE AND SUBDIVISION FOUR OF SECTION SIXTY-EIGHT
50 HUNDRED SEVEN OF THIS TITLE.

51 S 8. Section 6951 of the education law is amended by adding a new
52 subdivision 4 to read as follows:

53 4. A LICENSED MIDWIFE MAY PRESCRIBE AND ORDER A NON-PATIENT SPECIFIC
54 REGIMEN PURSUANT TO REGULATIONS PROMULGATED BY THE COMMISSIONER,
55 CONSISTENT WITH THIS SECTION, AND CONSISTENT WITH THE PUBLIC HEALTH LAW,
56 TO:

1 (A) A REGISTERED PROFESSIONAL NURSE FOR CONTRACEPTIVE DRUGS AND
2 DEVICES THAT ARE SELF-ADMINISTERED AND APPROVED BY THE FEDERAL FOOD AND
3 DRUG ADMINISTRATION, IN ACCORDANCE WITH PROFESSIONAL STANDARDS OF PRAC-
4 TICE; OR

5 (B) A LICENSED PHARMACIST, FOR DISPENSING CONTRACEPTIVE DRUGS AND
6 DEVICES THAT ARE SELF-ADMINISTERED AND APPROVED BY THE FEDERAL FOOD AND
7 DRUG ADMINISTRATION, IN ACCORDANCE WITH PROFESSIONAL STANDARDS OF PRAC-
8 TICE AND SUBDIVISION FOUR OF SECTION SIXTY-EIGHT HUNDRED SEVEN OF THIS
9 TITLE.

10 S 9. This act shall take effect on the one hundred eightieth day after
11 it shall have become a law; provided that the commissioner of education
12 is authorized to promulgate any and all rules and regulations and take
13 any other measures necessary to implement this act on its effective date
14 on or before such date.