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I N A S S E M B L Y

February 19, 2016

Introduced by M. of A. GOTTFRIED, FAHY, SEAWRIGHT, SIMON, PAULIN, LIFTON, GALEF -- Multi-Sponsored by -- M. of A. PALUMBO, SCHIMEL -- read once and referred to the Committee on Health -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

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. Subdivisions 4 and 5 of section 281 of the public health
2 law, as added by section 2 of part B of chapter 447 of the laws of 2012,
3 are amended to read as follows:
4 4. In the case of a prescription for a controlled substance issued by
5 a practitioner under paragraph (b) of subdivision three of this section,
6 the practitioner shall [file information about the issuance of such
7 prescription with the department as soon as practicable, as set forth in
8 regulation] INDICATE IN THE PATIENT'S HEALTH RECORD THAT THE
9 PRESCRIPTION WAS ISSUED OTHER THAN ELECTRONICALLY DUE TO TEMPORARY TECH-
10 NOLOGICAL OR ELECTRICAL FAILURE.
11 5. In the case of a prescription for a controlled substance issued by
12 a practitioner under paragraph (d) or (e) of subdivision three of this
13 section, the practitioner shall, upon issuing such prescription, [file
14 information about the issuance of such prescription with the department
15 by electronic means, as set forth in regulation] INDICATE IN THE
16 PATIENT'S HEALTH RECORD EITHER THAT THE PRESCRIPTION WAS ISSUED OTHER
17 THAN ELECTRONICALLY BECAUSE IT (A) WAS IMPRACTICAL TO ISSUE AN ELECTRON-
18 IC PRESCRIPTION IN A TIMELY MANNER AND SUCH DELAY WOULD HAVE ADVERSELY
19 IMPACTED THE PATIENT'S MEDICAL CONDITION, OR (B) WAS TO BE DISPENSED BY
20 A PHARMACY LOCATED OUTSIDE THE STATE.
21 S 2. Subdivisions 11, 12 and 13 of section 6810 of the education law,
22 as added by section 3 of part B of chapter 447 of the laws of 2012, are
23 amended to read as follows:

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

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1 11. In the case of a prescription issued by a practitioner under para-
2 graph (b) of subdivision ten of this section, the practitioner shall be
3 required to [file information about the issuance of such prescription
4 with the department of health as soon as practicable, as set forth in
5 regulation] INDICATE IN THE PATIENT'S HEALTH RECORD THAT THE
6 PRESCRIPTION WAS ISSUED OTHER THAN ELECTRONICALLY DUE TO TEMPORARY TECH-
7 NOLOGICAL OR ELECTRICAL FAILURE.

8 12. In the case of a prescription issued by a practitioner under para-
9 graph (d) or (e) of subdivision ten of this section, the practitioner
10 shall, upon issuing such prescription, [file information about the issu-
11 ance of such prescription with the department of health by electronic
12 means, as set forth in regulation] INDICATE IN THE PATIENT'S HEALTH
13 RECORD EITHER THAT THE PRESCRIPTION WAS ISSUED OTHER THAN ELECTRONICALLY
14 BECAUSE IT (A) WAS IMPRACTICAL TO ISSUE AN ELECTRONIC PRESCRIPTION IN A
15 TIMELY MANNER AND SUCH DELAY WOULD HAVE ADVERSELY IMPACTED THE PATIENT'S
16 MEDICAL CONDITION, OR (B) WAS TO BE DISPENSED BY A PHARMACY LOCATED
17 OUTSIDE THE STATE.

18 13. The waiver process established in regulation pursuant to paragraph
19 (c) of subdivision ten of this section shall provide that a practitioner
20 prescribing under a waiver must notify the department OF HEALTH in writ-
21 ing promptly upon gaining the capability to use electronic prescribing,
22 and that a waiver shall terminate within a specified period of time
23 after the practitioner gains such capability.

24 S 3. This act shall take effect immediately.