

2486

2015-2016 Regular Sessions

I N S E N A T E

January 23, 2015

Introduced by Sens. HANNON, VALESKY, BOYLE, CARLUCCI, DeFRANCISCO, FARLEY, GOLDEN, GRIFFO, LAVALLE, MARTINS, O'MARA, RITCHIE, SAVINO, SERINO -- read twice and ordered printed, and when printed to be committed 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 proc-
19 ess 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 practi-
22 tioner, or other exceptional circumstance demonstrated by the practi-
23 tioner; (d) issued by a practitioner under circumstances where, notwith-

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

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

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

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

43 S 3. This act shall take effect immediately; provided that if this act
44 shall not have become a law on or before March 27, 2015, this act shall
45 be deemed to have been in full force and effect on and after March 27,
46 2015.