

7334

I N S E N A T E

April 15, 2016

Introduced by Sen. HANNON -- 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 transmission and hard copies of electronic prescriptions

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

1 Section 1. Section 281 of the public health law is amended by adding a
2 new subdivision 8 to read as follows:

3 8. (A) AS USED IN THIS SECTION, "ELECTRONIC PRESCRIPTION" SHALL
4 INCLUDE A PRESCRIPTION THAT IS ELECTRONICALLY TRANSMITTED TO A SITE FROM
5 WHICH A PHARMACY CAN DOWNLOAD THE PRESCRIPTION FOR THE PURPOSE OF
6 DISPENSING IT ACCORDING TO THE TERMS OF THE PRESCRIPTION.

7 (B) WHERE A PRACTITIONER ISSUES AN ELECTRONIC PRESCRIPTION, AT THE
8 REQUEST OR WITH THE CONSENT OF THE PATIENT FOR WHOM A PRESCRIPTION IS
9 ISSUED:

10 (I) THE PRACTITIONER SHALL ELECTRONICALLY TRANSMIT THE PRESCRIPTION TO
11 A SITE FROM WHICH A PHARMACY CAN DOWNLOAD THE PRESCRIPTION UNDER THIS
12 SUBPARAGRAPH. HOWEVER, THE PRACTITIONER SHALL NOT BE REQUIRED TO COMPLY
13 WITH THIS SUBPARAGRAPH IF THE PRACTITIONER INFORMS THE PATIENT THAT THE
14 PRACTITIONER IS NOT ABLE TO DO SO OR IF THE PATIENT INTENDS TO HAVE THE
15 PRESCRIPTION DISPENSED BY A PHARMACY THAT THE PRACTITIONER IS INFORMED
16 IS NOT ABLE TO DO SO. A PHARMACY MAY DOWNLOAD THE PRESCRIPTION FOR THE
17 PURPOSE OF DISPENSING IT AT THE DIRECTION OF THE PATIENT OR OTHER PERSON
18 TO WHOM THE PHARMACY WOULD BE AUTHORIZED TO DELIVER THE PRODUCT
19 PRESCRIBED.

20 (II) THE PRACTITIONER SHALL, AT THE REQUEST OF THE PATIENT FOR WHOM A
21 PRESCRIPTION IS ISSUED, PROVIDE THE PATIENT WITH A HARD COPY OF THE
22 PRESCRIPTION, INCLUDING INFORMATION IDENTIFYING THE SITE OR PHARMACY TO
23 WHICH THE PRESCRIPTION HAS BEEN SENT ELECTRONICALLY.

24 (C) THE COMMISSIONER SHALL MAKE REGULATIONS UNDER THIS SUBDIVISION, IN
25 CONSULTATION WITH THE COMMISSIONER OF EDUCATION, INCLUDING PROTECTION
26 FOR THE SECURITY OF PRESCRIPTIONS AND THE CONFIDENTIALITY OF INDIVIDUAL-
27 LY-IDENTIFIABLE PATIENT INFORMATION.

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

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1 S 2. Section 6810 of the education law is amended by adding a new
2 subdivision 16 to read as follows:

3 16. (A) AS USED IN THIS SECTION, "ELECTRONIC PRESCRIPTION" SHALL
4 INCLUDE A PRESCRIPTION THAT IS ELECTRONICALLY TRANSMITTED TO A SITE FROM
5 WHICH A PHARMACY CAN DOWNLOAD THE PRESCRIPTION FOR THE PURPOSE OF
6 DISPENSING IT ACCORDING TO THE TERMS OF THE PRESCRIPTION.

7 (B) WHERE A PRACTITIONER ISSUES AN ELECTRONIC PRESCRIPTION, AT THE
8 REQUEST OR WITH THE CONSENT OF THE PATIENT FOR WHOM A PRESCRIPTION IS
9 ISSUED:

10 (I) THE PRACTITIONER SHALL ELECTRONICALLY TRANSMIT THE PRESCRIPTION TO
11 A SITE FROM WHICH A PHARMACY CAN DOWNLOAD THE PRESCRIPTION UNDER THIS
12 SUBPARAGRAPH. HOWEVER, THE PRACTITIONER SHALL NOT BE REQUIRED TO COMPLY
13 WITH THIS SUBPARAGRAPH IF THE PRACTITIONER INFORMS THE PATIENT THAT THE
14 PRACTITIONER IS NOT ABLE TO DO SO OR IF THE PATIENT INTENDS TO HAVE THE
15 PRESCRIPTION DISPENSED BY A PHARMACY THAT THE PRACTITIONER IS INFORMED
16 IS NOT ABLE TO DO SO. A PHARMACY MAY DOWNLOAD THE PRESCRIPTION FOR THE
17 PURPOSE OF DISPENSING IT AT THE DIRECTION OF THE PATIENT OR OTHER PERSON
18 TO WHOM THE PHARMACY WOULD BE AUTHORIZED TO DELIVER THE PRODUCT
19 PRESCRIBED.

20 (II) THE PRACTITIONER SHALL, AT THE REQUEST OF THE PATIENT FOR WHOM A
21 PRESCRIPTION IS ISSUED, PROVIDE THE PATIENT WITH A HARD COPY OF THE
22 PRESCRIPTION, INCLUDING INFORMATION IDENTIFYING THE SITE OR PHARMACY TO
23 WHICH THE PRESCRIPTION HAS BEEN SENT ELECTRONICALLY.

24 (C) THE COMMISSIONER SHALL MAKE REGULATIONS UNDER THIS SUBDIVISION, IN
25 CONSULTATION WITH THE COMMISSIONER OF HEALTH, INCLUDING PROTECTION FOR
26 THE SECURITY OF PRESCRIPTIONS AND THE CONFIDENTIALITY OF INDIVIDUALLY-I-
27 DENTIFIABLE PATIENT INFORMATION.

28 S 3. This act shall take effect on the sixtieth day after it shall
29 become a law.