S T A T E O F N E W Y O R K

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I N S E N A T E

May 5, 2016

Introduced by Sen. KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

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:

Section 1. The education law is amended by adding a new section 6505-d to read as follows:

S 6505-D. NON-PATIENT SPECIFIC REGIMEN. A NON-PATIENT SPECIFIC REGIMEN PRESCRIBED AND ORDERED UNDER THIS CHAPTER SHALL BE DEEMED TO BE A PRESCRIPTION FOR ALL PURPOSES OF THE INSURANCE LAW.

S 2. Section 6527 of the education law is amended by adding a new subdivision 9 to read as follows:

9. A LICENSED PHYSICIAN MAY PRESCRIBE AND ORDER A NON-PATIENT SPECIFIC REGIMEN TO A LICENSED PHARMACIST, FOR DISPENSING CONTRACEPTIVE DRUGS AND DEVICES THAT ARE SELF-ADMINISTERED AND APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION, IN ACCORDANCE WITH PROFESSIONAL STANDARDS OF PRACTICE AND SUBDIVISION FOUR OF SECTION SIXTY-EIGHT HUNDRED SEVEN OF THIS TITLE.

S 3. Subdivision 3 of section 6807 of the education law, as added by chapter 573 of the laws of 1999, is amended and a new subdivision 4 is added to read as follows:

3. A pharmacist may dispense drugs and devices to a registered professional nurse, and a registered professional nurse may possess and administer, drugs and devices, pursuant to a non-patient specific regimen prescribed or ordered by a licensed physician, LICENSED MIDWIFE, or certified nurse practitioner, pursuant to regulations promulgated by the commissioner and the public health law.

4. A. A LICENSED PHARMACIST MAY DISPENSE A NON-PATIENT SPECIFIC REGIMEN OF CONTRACEPTIVE DRUGS AND DEVICES THAT ARE SELF-ADMINISTERED AND APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION, PRESCRIBED OR ORDERED BY A LICENSED PHYSICIAN, CERTIFIED NURSE PRACTITIONER, OR LICENSED MIDWIFE, PURSUANT TO RULES AND REGULATIONS PROMULGATED BY THE

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

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COMMISSIONER, IN ACCORDANCE WITH PROFESSIONAL STANDARDS OF PRACTICE AND THE PROVISIONS OF THIS SUBDIVISION.

B. THE DISPENSING OF CONTRACEPTIVE DRUGS AND DEVICES THAT ARE SELF-ADMINISTERED BY A LICENSED PHARMACIST UNDER THIS SUBDIVISION SHALL BE DONE IN ACCORDANCE WITH WRITTEN PROCEDURES AND PROTOCOLS DEVELOPED BY A PHARMACIST AND A LICENSED PHYSICIAN, CERTIFIED NURSE PRACTITIONER, LICENSED MIDWIFE, OR A HOSPITAL (LICENSED UNDER ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW) THAT PROVIDES GYNECOLOGICAL OR FAMILY PLANNING SERVICES. WHEN CONTRACEPTIVE DRUGS AND DEVICES THAT ARE SELF-ADMINISTERED ARE DISPENSED UNDER THIS SUBDIVISION, THE PHARMACIST SHALL PROVIDE TO THE PATIENT A FACT SHEET THAT INCLUDES THE CLINICAL CONSIDERATIONS AND RECOMMENDATIONS FOR USE OF THE DRUG, THE APPROPRIATE METHOD FOR USING THE DRUG, INFORMATION ON THE IMPORTANCE OF FOLLOW-UP HEALTH CARE, AND HEALTH CARE REFERRAL INFORMATION. THE COMMISSIONER SHALL DEVELOP THIS FACT SHEET IN CONSULTATION WITH THE DEPARTMENT OF HEALTH AND THE AMERICAN COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS. PRIOR TO DISPENSING CONTRACEPTIVE DRUGS AND DEVICES THAT ARE SELF-ADMINISTERED AS AUTHORIZED UNDER THIS SECTION, A PHARMACIST SHALL SUCCESSFULLY COMPLETE CONTRACEPTIVE DRUG THERAPY EDUCATION AND TRAINING IN ACCORDANCE WITH SUBDIVISION SEVEN OF SECTION SIXTY-EIGHT HUNDRED TWENTY-SEVEN OF THIS ARTICLE.

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

7. ACCEPTABLE FORMAL CONTINUING EDUCATION UNDER THIS SECTION SHALL INCLUDE EDUCATION AND TRAINING IN CONTRACEPTIVE DRUGS AND DEVICES THAT ARE SELF-ADMINISTERED, IN ACCORDANCE WITH REGULATIONS OF THE COMMISSIONER. THE COMMISSIONER MAY PROVIDE THAT A PHARMACIST WHO HAS HAD SUFFICIENTLY RECENT EDUCATION AND TRAINING IN CONTRACEPTIVE DRUGS MAY BE EXEMPTED FROM THE REQUIREMENT OF THIS SUBDIVISION.

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

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

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

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

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

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

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

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

(A) A REGISTERED PROFESSIONAL NURSE FOR CONTRACEPTIVE DRUGS AND DEVICES THAT ARE SELF-ADMINISTERED AND APPROVED BY THE FEDERAL FOOD AND

DRUG ADMINISTRATION, IN ACCORDANCE WITH PROFESSIONAL STANDARDS OF PRACTICE; OR

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

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