

8135

2015-2016 Regular Sessions

I N A S S E M B L Y

June 9, 2015

Introduced by M. of A. CAHILL, SEAWRIGHT, ROSENTHAL, GALEF, GLICK, JAFFEE, KAMINSKY, RUSSELL, SIMOTAS, SOLAGES -- Multi-Sponsored by -- M. of A. ARROYO, BARRETT, BRONSON, COOK, FAHY, HOOPER, LIFTON, LUPARDO, MAYER, PEOPLES-STOKES, ROZIC, SCHIMEL, SIMON, TITUS -- (at request of the Department of Law) -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, the social services law, the education law and the public health law, in relation to requiring health insurance policies to include coverage of all FDA-approved contraceptive drugs, devices, and products, as well as voluntary sterilization procedures, contraceptive education and counseling, and related follow up services and prohibiting a health insurance policy from imposing any cost-sharing requirements or other restrictions or delays with respect to this coverage

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

1 Section 1. This act shall be known and may be cited as the "comprehen-
2 sive contraception coverage act".
3 S 2. Paragraph 16 of subsection (1) of section 3221 of the insurance
4 law, as added by chapter 554 of the laws of 2002, is amended to read as
5 follows:
6 (16) (A) Every group or blanket policy [which provides coverage for
7 prescription drugs shall include coverage for the cost of contraceptive
8 drugs or devices approved by the federal food and drug administration or
9 generic equivalents approved as substitutes by such food and drug admin-
10 istration under the prescription of a health care provider legally
11 authorized to prescribe under title eight of the education law. The
12 coverage required by this section shall be included in policies and
13 certificates only through the addition of a rider.

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

LBD10923-02-5

1 (A)] THAT IS ISSUED, AMENDED, RENEWED, EFFECTIVE OR DELIVERED ON OR
2 AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, SHALL PROVIDE COVERAGE FOR
3 ALL OF THE FOLLOWING SERVICES AND CONTRACEPTIVE METHODS:

4 (1) ALL FDA-APPROVED CONTRACEPTIVE DRUGS, DEVICES, AND OTHER PRODUCTS.
5 THIS INCLUDES ALL FDA-APPROVED OVER-THE-COUNTER CONTRACEPTIVE DRUGS,
6 DEVICES, AND PRODUCTS AS PRESCRIBED OR AS OTHERWISE AUTHORIZED UNDER
7 STATE OR FEDERAL LAW. THE FOLLOWING APPLIES TO THIS COVERAGE:

8 (A) WHERE THE FDA HAS APPROVED ONE OR MORE THERAPEUTIC AND PHARMACEU-
9 TICAL EQUIVALENT, AS DEFINED BY THE FDA, VERSIONS OF A CONTRACEPTIVE
10 DRUG, DEVICE, OR PRODUCT, A GROUP OR BLANKET POLICY IS NOT REQUIRED TO
11 INCLUDE ALL SUCH THERAPEUTIC AND PHARMACEUTICAL EQUIVALENT VERSIONS IN
12 ITS FORMULARY, SO LONG AS AT LEAST ONE IS INCLUDED AND COVERED WITHOUT
13 COST-SHARING AND IN ACCORDANCE WITH THIS PARAGRAPH;

14 (B) IF THE COVERED THERAPEUTIC AND PHARMACEUTICAL EQUIVALENT VERSIONS
15 OF A DRUG, DEVICE, OR PRODUCT ARE NOT AVAILABLE OR ARE DEEMED MEDICALLY
16 INADVISABLE A GROUP OR BLANKET POLICY SHALL PROVIDE COVERAGE FOR AN
17 ALTERNATE THERAPEUTIC AND PHARMACEUTICAL EQUIVALENT VERSION OF THE
18 CONTRACEPTIVE DRUG, DEVICE, OR PRODUCT WITHOUT COST-SHARING;

19 (C) THIS COVERAGE SHALL INCLUDE EMERGENCY CONTRACEPTION WITHOUT COST-
20 SHARING WHEN PROVIDED PURSUANT TO AN ORDINARY PRESCRIPTION, NON-PATIENT
21 SPECIFIC REGIMEN ORDER, OR ORDER UNDER SECTION SIXTY-EIGHT HUNDRED THIR-
22 TY-ONE OF THE EDUCATION LAW AND WHEN LAWFULLY PROVIDED OTHER THAN
23 THROUGH A PRESCRIPTION OR ORDER; AND

24 (D) THIS COVERAGE MUST ALLOW FOR THE DISPENSING OF TWELVE MONTHS WORTH
25 OF A CONTRACEPTIVE AT ONE TIME;

26 (2) VOLUNTARY STERILIZATION PROCEDURES;

27 (3) PATIENT EDUCATION AND COUNSELING ON CONTRACEPTION; AND

28 (4) FOLLOW-UP SERVICES RELATED TO THE DRUGS, DEVICES, PRODUCTS, AND
29 PROCEDURES COVERED UNDER THIS PARAGRAPH, INCLUDING, BUT NOT LIMITED TO,
30 MANAGEMENT OF SIDE EFFECTS, COUNSELING FOR CONTINUED ADHERENCE, AND
31 DEVICE INSERTION AND REMOVAL.

32 (B) A GROUP OR BLANKET POLICY SUBJECT TO THIS PARAGRAPH SHALL NOT
33 IMPOSE A DEDUCTIBLE, COINSURANCE, COPAYMENT, OR ANY OTHER COST-SHARING
34 REQUIREMENT ON THE COVERAGE PROVIDED PURSUANT TO THIS PARAGRAPH.

35 (C) EXCEPT AS OTHERWISE AUTHORIZED UNDER THIS PARAGRAPH, A GROUP OR
36 BLANKET POLICY SHALL NOT IMPOSE ANY RESTRICTIONS OR DELAYS ON THE COVER-
37 AGE REQUIRED UNDER THIS PARAGRAPH.

38 (D) BENEFITS FOR AN ENROLLEE UNDER THIS PARAGRAPH SHALL BE THE SAME
39 FOR AN ENROLLEE'S COVERED SPOUSE OR DOMESTIC PARTNER AND COVERED
40 NONSPOUSE DEPENDENTS.

41 (E) Notwithstanding any other provision of this subsection, a reli-
42 gious employer may request a contract without coverage for federal food
43 and drug administration approved contraceptive methods that are contrary
44 to the religious employer's religious tenets. If so requested, such
45 contract shall be provided without coverage for contraceptive methods.
46 This paragraph shall not be construed to deny an enrollee coverage of,
47 and timely access to, contraceptive methods.

48 (1) For purposes of this subsection, a "religious employer" is an
49 entity for which each of the following is true:

50 (a) The inculcation of religious values is the purpose of the entity.

51 (b) The entity primarily employs persons who share the religious
52 tenets of the entity.

53 (c) The entity serves primarily persons who share the religious tenets
54 of the entity.

55 (d) The entity is a nonprofit organization as described in Section
56 6033(a)(2)(A)i or iii, of the Internal Revenue Code of 1986, as amended.

1 (2) Every religious employer that invokes the exemption provided under
2 this paragraph shall provide written notice to prospective enrollees
3 prior to enrollment with the plan, listing the contraceptive health care
4 services the employer refuses to cover for religious reasons.

5 [(B) (i)] (F) (1) Where a group policyholder makes an election not to
6 purchase coverage for contraceptive drugs or devices in accordance with
7 subparagraph (A) of this paragraph each certificateholder covered under
8 the policy issued to that group policyholder shall have the right to
9 directly purchase the rider required by this paragraph from the insurer
10 which issued the group policy at the prevailing small group community
11 rate for such rider whether or not the employee is part of a small
12 group.

13 [(ii)] (2) Where a group policyholder makes an election not to
14 purchase coverage for contraceptive drugs or devices in accordance with
15 subparagraph (A) of this paragraph, the insurer that provides such
16 coverage shall provide written notice to certificateholders upon enroll-
17 ment with the insurer of their right to directly purchase a rider for
18 coverage for the cost of contraceptive drugs or devices. The notice
19 shall also advise the certificateholders of the additional premium for
20 such coverage.

21 [(C)] (G) Nothing in this paragraph shall be construed as authorizing
22 a group or blanket policy which provides coverage for prescription drugs
23 to exclude coverage for prescription drugs prescribed for reasons other
24 than contraceptive purposes.

25 [(D) Such coverage may be subject to reasonable annual deductibles and
26 coinsurance as may be deemed appropriate by the superintendent and as
27 are consistent with those established for other drugs or devices covered
28 under the policy.]

29 S 3. Subsection (cc) of section 4303 of the insurance law, as added by
30 chapter 554 of the laws of 2002, is amended to read as follows:

31 (cc) (1) Every contract [which provides coverage for prescription
32 drugs shall include coverage for the cost of contraceptive drugs or
33 devices approved by the federal food and drug administration or generic
34 equivalents approved as substitutes by such food and drug administration
35 under the prescription of a health care provider legally authorized to
36 prescribe under title eight of the education law. The coverage required
37 by this section shall be included in contracts and certificates only
38 through the addition of a rider.

39 (1)] THAT IS ISSUED, AMENDED, RENEWED, EFFECTIVE OR DELIVERED ON OR
40 AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, SHALL PROVIDE COVERAGE FOR
41 ALL OF THE FOLLOWING SERVICES AND CONTRACEPTIVE METHODS:

42 (A) ALL FDA-APPROVED CONTRACEPTIVE DRUGS, DEVICES, AND OTHER PRODUCTS.
43 THIS INCLUDES ALL FDA-APPROVED OVER-THE-COUNTER CONTRACEPTIVE DRUGS,
44 DEVICES, AND PRODUCTS AS PRESCRIBED OR AS OTHERWISE AUTHORIZED UNDER
45 STATE OR FEDERAL LAW. THE FOLLOWING APPLIES TO THIS COVERAGE:

46 (I) WHERE THE FDA HAS APPROVED ONE OR MORE THERAPEUTIC AND PHARMACEU-
47 TICAL EQUIVALENT, AS DEFINED BY THE FDA, VERSIONS OF A CONTRACEPTIVE
48 DRUG, DEVICE, OR PRODUCT, A CONTRACT IS NOT REQUIRED TO INCLUDE ALL SUCH
49 THERAPEUTIC AND PHARMACEUTICAL EQUIVALENT VERSIONS IN ITS FORMULARY, SO
50 LONG AS AT LEAST ONE IS INCLUDED AND COVERED WITHOUT COST-SHARING AND IN
51 ACCORDANCE WITH THIS SUBSECTION;

52 (II) IF THE COVERED THERAPEUTIC AND PHARMACEUTICAL EQUIVALENT VERSIONS
53 OF A DRUG, DEVICE, OR PRODUCT ARE NOT AVAILABLE OR ARE DEEMED MEDICALLY
54 INADVISABLE A CONTRACT SHALL PROVIDE COVERAGE FOR AN ALTERNATE THERAPEU-
55 TIC AND PHARMACEUTICAL EQUIVALENT VERSION OF THE CONTRACEPTIVE DRUG,
56 DEVICE, OR PRODUCT WITHOUT COST-SHARING;

1 (III) THIS COVERAGE SHALL INCLUDE EMERGENCY CONTRACEPTION WITHOUT
2 COST-SHARING WHEN PROVIDED PURSUANT TO AN ORDINARY PRESCRIPTION, NON-PA-
3 TIENT SPECIFIC REGIMEN ORDER, OR ORDER UNDER SECTION SIXTY-EIGHT HUNDRED
4 THIRTY-ONE OF THE EDUCATION LAW AND WHEN LAWFULLY PROVIDED OTHER THAN
5 THROUGH A PRESCRIPTION OR ORDER; AND

6 (IV) THIS COVERAGE MUST ALLOW FOR THE DISPENSING OF TWELVE MONTHS
7 WORTH OF A CONTRACEPTIVE AT ONE TIME;

8 (B) VOLUNTARY STERILIZATION PROCEDURES;

9 (C) PATIENT EDUCATION AND COUNSELING ON CONTRACEPTION; AND

10 (D) FOLLOW-UP SERVICES RELATED TO THE DRUGS, DEVICES, PRODUCTS, AND
11 PROCEDURES COVERED UNDER THIS SUBSECTION, INCLUDING, BUT NOT LIMITED TO,
12 MANAGEMENT OF SIDE EFFECTS, COUNSELING FOR CONTINUED ADHERENCE, AND
13 DEVICE INSERTION AND REMOVAL.

14 (2) A CONTRACT SUBJECT TO THIS SUBSECTION SHALL NOT IMPOSE A DEDUCT-
15 IBLE, COINSURANCE, COPAYMENT, OR ANY OTHER COST-SHARING REQUIREMENT ON
16 THE COVERAGE PROVIDED PURSUANT TO THIS SUBSECTION.

17 (3) EXCEPT AS OTHERWISE AUTHORIZED UNDER THIS SUBSECTION, A CONTRACT
18 SHALL NOT IMPOSE ANY RESTRICTIONS OR DELAYS ON THE COVERAGE REQUIRED
19 UNDER THIS SUBSECTION.

20 (4) BENEFITS FOR AN ENROLLEE UNDER THIS SUBSECTION SHALL BE THE SAME
21 FOR AN ENROLLEE'S COVERED SPOUSE OR DOMESTIC PARTNER AND COVERED
22 NONSPOUSE DEPENDENTS.

23 (5) Notwithstanding any other provision of this subsection, a reli-
24 gious employer may request a contract without coverage for federal food
25 and drug administration approved contraceptive methods that are contrary
26 to the religious employer's religious tenets. If so requested, such
27 contract shall be provided without coverage for contraceptive methods.
28 This paragraph shall not be construed to deny an enrollee coverage of,
29 and timely access to, contraceptive methods.

30 (A) For purposes of this subsection, a "religious employer" is an
31 entity for which each of the following is true:

32 (i) The inculcation of religious values is the purpose of the entity.

33 (ii) The entity primarily employs persons who share the religious
34 tenets of the entity.

35 (iii) The entity serves primarily persons who share the religious
36 tenets of the entity.

37 (iv) The entity is a nonprofit organization as described in Section
38 6033(a)(2)(A)i or iii, of the Internal Revenue Code of 1986, as amended.

39 (B) Every religious employer that invokes the exemption provided under
40 this paragraph shall provide written notice to prospective enrollees
41 prior to enrollment with the plan, listing the contraceptive health care
42 services the employer refuses to cover for religious reasons.

43 [(2)] (6) (A) Where a group contractholder makes an election not to
44 purchase coverage for contraceptive drugs or devices in accordance with
45 paragraph one of this subsection, each enrollee covered under the
46 contract issued to that group contractholder shall have the right to
47 directly purchase the rider required by this subsection from the insurer
48 or health maintenance organization which issued the group contract at
49 the prevailing small group community rate for such rider whether or not
50 the employee is part of a small group.

51 (B) Where a group contractholder makes an election not to purchase
52 coverage for contraceptive drugs or devices in accordance with paragraph
53 one of this subsection, the insurer or health maintenance organization
54 that provides such coverage shall provide written notice to enrollees
55 upon enrollment with the insurer or health maintenance organization of
56 their right to directly purchase a rider for coverage for the cost of

1 contraceptive drugs or devices. The notice shall also advise the enrol-
2 lees of the additional premium for such coverage.

3 [(3)] (7) Nothing in this subsection shall be construed as authorizing
4 a contract which provides coverage for prescription drugs to exclude
5 coverage for prescription drugs prescribed for reasons other than
6 contraceptive purposes.

7 [(4) Such coverage may be subject to reasonable annual deductibles and
8 coinsurance as may be deemed appropriate by the superintendent and as
9 are consistent with those established for other drugs or devices covered
10 under the policy.]

11 S 4. Subparagraph (E) of paragraph 17 of subsection (i) of section
12 3216 of the insurance law is amended by adding a new clause (v) to read
13 as follows:

14 (V) ALL FDA-APPROVED CONTRACEPTIVE DRUGS, DEVICES, AND OTHER PRODUCTS,
15 INCLUDING ALL OVER-THE-COUNTER CONTRACEPTIVE DRUGS, DEVICES, AND
16 PRODUCTS AS PRESCRIBED OR AS OTHERWISE AUTHORIZED UNDER STATE OR FEDERAL
17 LAW; VOLUNTARY STERILIZATION PROCEDURES; PATIENT EDUCATION AND COUN-
18 SELING ON CONTRACEPTION; AND FOLLOW-UP SERVICES RELATED TO THE DRUGS,
19 DEVICES, PRODUCTS, AND PROCEDURES COVERED UNDER THIS CLAUSE, INCLUDING,
20 BUT NOT LIMITED TO, MANAGEMENT OF SIDE EFFECTS, COUNSELING FOR CONTINUED
21 ADHERENCE, AND DEVICE INSERTION AND REMOVAL. EXCEPT AS OTHERWISE AUTHOR-
22 IZED UNDER THIS CLAUSE, A CONTRACT SHALL NOT IMPOSE ANY RESTRICTIONS OR
23 DELAYS ON THE COVERAGE REQUIRED UNDER THIS CLAUSE. HOWEVER, WHERE THE
24 FDA HAS APPROVED ONE OR MORE THERAPEUTIC AND PHARMACEUTICAL EQUIVALENT,
25 AS DEFINED BY THE FDA, VERSIONS OF A CONTRACEPTIVE DRUG, DEVICE, OR
26 PRODUCT, A CONTRACT IS NOT REQUIRED TO INCLUDE ALL SUCH THERAPEUTIC AND
27 PHARMACEUTICAL EQUIVALENT VERSIONS IN ITS FORMULARY, SO LONG AS AT LEAST
28 ONE IS INCLUDED AND COVERED WITHOUT COST-SHARING AND IN ACCORDANCE WITH
29 THIS CLAUSE. IF THE COVERED THERAPEUTIC AND PHARMACEUTICAL EQUIVALENT
30 VERSIONS OF A DRUG, DEVICE, OR PRODUCT ARE NOT AVAILABLE OR ARE DEEMED
31 MEDICALLY INADVISABLE A CONTRACT SHALL PROVIDE COVERAGE FOR AN ALTERNATE
32 THERAPEUTIC AND PHARMACEUTICAL EQUIVALENT VERSION OF THE CONTRACEPTIVE
33 DRUG, DEVICE, OR PRODUCT WITHOUT COST-SHARING. THIS COVERAGE SHALL
34 INCLUDE EMERGENCY CONTRACEPTION WITHOUT COST-SHARING WHEN PROVIDED
35 PURSUANT TO AN ORDINARY PRESCRIPTION, NON-PATIENT SPECIFIC REGIMEN
36 ORDER, OR ORDER UNDER SECTION SIXTY-EIGHT HUNDRED THIRTY-ONE OF THE
37 EDUCATION LAW AND WHEN LAWFULLY PROVIDED OTHER THAN THROUGH A
38 PRESCRIPTION OR ORDER; AND THIS COVERAGE MUST ALLOW FOR THE DISPENSING
39 OF TWELVE MONTHS WORTH OF A CONTRACEPTIVE AT ONE TIME.

40 S 5. Paragraph (d) of subdivision 3 of section 365-a of the social
41 services law, as amended by chapter 909 of the laws of 1974 and as
42 relettered by chapter 82 of the laws of 1995, is amended to read as
43 follows:

44 (d) family planning services and TWELVE MONTHS OF supplies for eligi-
45 ble persons of childbearing age, including children under twenty-one
46 years of age who can be considered sexually active, who desire such
47 services and supplies, in accordance with the requirements of federal
48 law and regulations and the regulations of the department. No person
49 shall be compelled or coerced to accept such services or supplies.

50 S 6. Subdivision 6 of section 6527 of the education law, as added by
51 chapter 573 of the laws of 1999, paragraph (c) as added by chapter 221
52 of the laws of 2002, paragraph (d) as added by chapter 429 of the laws
53 of 2005, paragraph (e) as added by chapter 352 of the laws of 2014 and
54 paragraph (f) as added by section 6 of part V of chapter 57 of the laws
55 of 2015, is amended to read as follows:

1 6. A licensed physician may prescribe and order a non-patient specific
2 regimen [to a registered professional nurse], pursuant to regulations
3 promulgated by the commissioner, and consistent with the public health
4 law, [for] TO:

5 (a) REGISTERED PROFESSIONAL NURSE FOR:

6 (I) administering immunizations[.];

7 [(b)] (II) the emergency treatment of anaphylaxis[.];

8 [(c)] (III) administering purified protein derivative (PPD) tests[.];

9 [(d)] (IV) administering tests to determine the presence of the human
10 immunodeficiency virus[.];

11 [(e)] (V) administering tests to determine the presence of the hepatis
12 C virus[.]; OR

13 [(f)] (VI) EMERGENCY CONTRACEPTION, TO BE ADMINISTERED TO OR DISPENSED
14 TO BE SELF-ADMINISTERED BY THE PATIENT, UNDER SECTION SIXTY-EIGHT
15 HUNDRED THIRTY-TWO OF THIS TITLE.

16 (B) A LICENSED PHARMACIST, FOR DISPENSING EMERGENCY CONTRACEPTION, TO
17 BE SELF-ADMINISTERED BY THE PATIENT, UNDER SECTION SIXTY-EIGHT HUNDRED
18 THIRTY-TWO OF THIS TITLE.

19 (C) the urgent or emergency treatment of opioid related overdose or
20 suspected opioid related overdose.

21 S 7. Subdivision 3 of section 6807 of the education law, as added by
22 chapter 573 of the laws of 1999, is amended and a new subdivision 4 is
23 added to read as follows:

24 3. A pharmacist may dispense drugs and devices to a registered profes-
25 sional nurse, and a registered professional nurse may possess and admin-
26 ister, drugs and devices, pursuant to a non-patient specific regimen
27 prescribed or ordered by a licensed physician, LICENSED MIDWIFE or
28 certified nurse practitioner, pursuant to regulations promulgated by the
29 commissioner and the public health law.

30 4. A LICENSED PHARMACIST MAY DISPENSE A NON-PATIENT SPECIFIC REGIMEN
31 OF EMERGENCY CONTRACEPTION, TO BE SELF-ADMINISTERED BY THE PATIENT,
32 PRESCRIBED OR ORDERED BY A LICENSED PHYSICIAN, CERTIFIED NURSE PRACTI-
33 TIONER, OR LICENSED MIDWIFE, UNDER SECTION SIXTY-EIGHT HUNDRED
34 THIRTY-TWO OF THIS ARTICLE.

35 S 8. The education law is amended by adding a new section 6832 to read
36 as follows:

37 S 6832. EMERGENCY CONTRACEPTION; NON-PATIENT SPECIFIC PRESCRIPTION OR
38 ORDER. 1. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE
39 FOLLOWING MEANINGS, UNLESS THE CONTEXT REQUIRES OTHERWISE:

40 (A) "EMERGENCY CONTRACEPTION" MEANS ONE OR MORE PRESCRIPTION OR
41 NONPRESCRIPTION DRUGS, USED SEPARATELY OR IN COMBINATION, IN A DOSAGE
42 AND MANNER FOR PREVENTING PREGNANCY WHEN USED AFTER INTERCOURSE, FOUND
43 SAFE AND EFFECTIVE FOR THAT USE BY THE UNITED STATES FOOD AND DRUG
44 ADMINISTRATION, AND DISPENSED OR ADMINISTERED FOR THAT PURPOSE.

45 (B) "PRESCRIBER" MEANS A LICENSED PHYSICIAN, CERTIFIED NURSE PRACTI-
46 TIONER OR LICENSED MIDWIFE.

47 2. THIS SECTION APPLIES TO THE ADMINISTERING OR DISPENSING OF EMERGEN-
48 CY CONTRACEPTION BY A REGISTERED PROFESSIONAL NURSE OR LICENSED PHARMA-
49 CIST PURSUANT TO A PRESCRIPTION OR ORDER FOR A NON-PATIENT SPECIFIC
50 REGIMEN MADE BY A PRESCRIBER UNDER SECTION SIXTY-FIVE HUNDRED
51 TWENTY-SEVEN, SIXTY-NINE HUNDRED NINE OR SIXTY-NINE HUNDRED FIFTY-ONE OF
52 THIS TITLE. THIS SECTION DOES NOT APPLY TO ADMINISTERING OR DISPENSING
53 EMERGENCY CONTRACEPTION WHEN LAWFULLY DONE WITHOUT SUCH A PRESCRIPTION
54 OR ORDER.

55 3. THE ADMINISTERING OR DISPENSING OF EMERGENCY CONTRACEPTION BY A
56 REGISTERED PROFESSIONAL NURSE OR LICENSED PHARMACIST SHALL BE DONE IN

1 ACCORDANCE WITH PROFESSIONAL STANDARDS OF PRACTICE AND IN ACCORDANCE
2 WITH WRITTEN PROCEDURES AND PROTOCOLS AGREED TO BY THE REGISTERED
3 PROFESSIONAL NURSE OR LICENSED PHARMACIST AND THE PRESCRIBER OR A HOSPI-
4 TAL (LICENSED UNDER ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW) THAT
5 PROVIDES GYNECOLOGICAL OR FAMILY PLANNING SERVICES.

6 4. (A) WHEN EMERGENCY CONTRACEPTION IS ADMINISTERED OR DISPENSED, THE
7 REGISTERED PROFESSIONAL NURSE OR LICENSED PHARMACIST SHALL PROVIDE TO
8 THE PATIENT WRITTEN MATERIAL THAT INCLUDES: (I) THE CLINICAL CONSIDER-
9 ATIONS AND RECOMMENDATIONS FOR USE OF THE DRUG; (II) THE APPROPRIATE
10 METHOD FOR USING THE DRUG; (III) INFORMATION ON THE IMPORTANCE OF
11 FOLLOW-UP HEALTH CARE; (IV) INFORMATION ON THE HEALTH RISKS AND OTHER
12 DANGERS OF UNPROTECTED INTERCOURSE; AND (V) REFERRAL INFORMATION RELAT-
13 ING TO HEALTH CARE AND SERVICES RELATING TO SEXUAL ABUSE AND DOMESTIC
14 VIOLENCE.

15 (B) SUCH WRITTEN MATERIAL SHALL BE DEVELOPED OR APPROVED BY THE
16 COMMISSIONER IN CONSULTATION WITH THE DEPARTMENT OF HEALTH AND THE AMER-
17 ICAN COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS.

18 S 9. Subdivision 4 of section 6909 of the education law, as added by
19 chapter 573 of the laws of 1999, paragraph (a) as amended and paragraph
20 (c) as added by chapter 221 of the laws of 2002, paragraph (d) as added
21 by chapter 429 of the laws of 2005, paragraph (e) as added by chapter
22 352 of the laws of 2014 and paragraph (f) as added by section 5 of part
23 V of chapter 57 of the laws of 2015, is amended to read as follows:

24 4. A certified nurse practitioner may prescribe and order a non-pa-
25 tient specific regimen [to a registered professional nurse], pursuant to
26 regulations promulgated by the commissioner, consistent with subdivision
27 three of section [six thousand nine] SIXTY-NINE hundred two of this
28 article, and consistent with the public health law, for:

29 (a) A REGISTERED PROFESSIONAL NURSE FOR:

30 [(I)] administering immunizations[.];

31 [(b)] (II) the emergency treatment of anaphylaxis[.];

32 [(c)] (III) administering purified protein derivative (PPD) tests[.];

33 [(d)] (IV) administering tests to determine the presence of the human
34 immunodeficiency virus[.];

35 [(e)] (V) administering tests to determine the presence of the hepati-
36 tis C virus[.]; OR

37 [(f)] (VI) EMERGENCY CONTRACEPTION, TO BE ADMINISTERED TO OR DISPENSED
38 TO BE SELF-ADMINISTERED BY THE PATIENT, UNDER SECTION SIXTY-EIGHT
39 HUNDRED THIRTY-TWO OF THIS TITLE.

40 (B) A LICENSED PHARMACIST, FOR DISPENSING EMERGENCY CONTRACEPTION, TO
41 BE SELF-ADMINISTERED BY THE PATIENT, UNDER SECTION SIXTY-EIGHT HUNDRED
42 THIRTY-TWO OF THIS TITLE.

43 (C) the urgent or emergency treatment of opioid related overdose or
44 suspected opioid related overdose.

45 S 10. Subdivision 5 of section 6909 of the education law, as added by
46 chapter 573 of the laws of 1999, is amended to read as follows:

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

51 S 11. 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 THE PUBLIC HEALTH LAW, TO:

1 (A) A REGISTERED PROFESSIONAL NURSE FOR EMERGENCY CONTRACEPTION, TO BE
2 ADMINISTERED TO OR DISPENSED TO BE SELF-ADMINISTERED BY THE PATIENT,
3 UNDER SECTION SIXTY-EIGHT HUNDRED THIRTY-TWO OF THIS TITLE; OR

4 (B) A LICENSED PHARMACIST, FOR DISPENSING EMERGENCY CONTRACEPTION, TO
5 BE SELF-ADMINISTERED BY THE PATIENT, UNDER SECTION SIXTY-EIGHT HUNDRED
6 THIRTY-TWO OF THIS TITLE.

7 S 12. Subdivision 1 of section 207 of the public health law is amended
8 by adding a new paragraph (l) to read as follows:

9 (L) EMERGENCY CONTRACEPTION, INCLUDING INFORMATION ABOUT ITS SAFETY,
10 EFFICACY, APPROPRIATE USE AND AVAILABILITY.

11 S 13. This act shall take effect January 1, 2016; provided that
12 section six of this act shall take effect January 1, 2017; provided,
13 however, that if section 6 of part V of chapter 57 of the laws of 2015
14 shall not have taken effect on or before such date then the amendments
15 to paragraph (f) of subdivision 6 of section 6527 and paragraph (f) of
16 subdivision 4 of section 6909 of the education law made by sections six
17 and nine of this act shall take effect on the same date and same manner
18 as such chapter of the laws of 2015 takes effect.