

8135--A

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, GOTTFRIED, LAVINE, BARRON, BLAKE, BARRETT, MAGNARELLI -- Multi-Sponsored by -- M. of A. ARROYO, BRAUNSTEIN, BRONSON, CLARK, COOK, DUPREY, FAHY, FARRELL, HOOPER, LIFTON, LUPARDO, MAYER, McLAUGHLIN, MOSLEY, PEOPLES-STOKES, ROZIC, SCHIMEL, SIMON, THIELE, TITUS -- (at request of the Department of Law) -- read once and referred to the Committee on Insurance -- recommitted to the Committee on Insurance in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

LBD10923-09-6

1 coverage required by this section shall be included in policies and
2 certificates only through the addition of a rider.

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

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

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

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

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

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

28 (2) VOLUNTARY STERILIZATION PROCEDURES;

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

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

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

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

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

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

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

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

53 (b) The entity primarily employs persons who share the religious
54 tenets of the entity.

55 (c) The entity serves primarily persons who share the religious tenets
56 of the entity.

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

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

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

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

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

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

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

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

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

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

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

54 (II) IF THE COVERED THERAPEUTIC AND PHARMACEUTICAL EQUIVALENT VERSIONS
55 OF A DRUG, DEVICE, OR PRODUCT ARE NOT AVAILABLE OR ARE DEEMED MEDICALLY
56 INADVISABLE A CONTRACT SHALL PROVIDE COVERAGE FOR AN ALTERNATE THERAPEU-

1 TIC AND PHARMACEUTICAL EQUIVALENT VERSION OF THE CONTRACEPTIVE DRUG,
2 DEVICE, OR PRODUCT WITHOUT COST-SHARING;
3 (III) THIS COVERAGE SHALL INCLUDE EMERGENCY CONTRACEPTION WITHOUT
4 COST-SHARING WHEN PROVIDED PURSUANT TO AN ORDINARY PRESCRIPTION, NON-PA-
5 TIENT SPECIFIC REGIMEN ORDER, OR ORDER UNDER SECTION SIXTY-EIGHT HUNDRED
6 THIRTY-ONE OF THE EDUCATION LAW AND WHEN LAWFULLY PROVIDED OTHER THAN
7 THROUGH A PRESCRIPTION OR ORDER; AND
8 (IV) THIS COVERAGE MUST ALLOW FOR THE DISPENSING OF TWELVE MONTHS
9 WORTH OF A CONTRACEPTIVE AT ONE TIME;
10 (B) VOLUNTARY STERILIZATION PROCEDURES;
11 (C) PATIENT EDUCATION AND COUNSELING ON CONTRACEPTION; AND
12 (D) FOLLOW-UP SERVICES RELATED TO THE DRUGS, DEVICES, PRODUCTS, AND
13 PROCEDURES COVERED UNDER THIS SUBSECTION, INCLUDING, BUT NOT LIMITED TO,
14 MANAGEMENT OF SIDE EFFECTS, COUNSELING FOR CONTINUED ADHERENCE, AND
15 DEVICE INSERTION AND REMOVAL.
16 (2) A CONTRACT SUBJECT TO THIS SUBSECTION SHALL NOT IMPOSE A DEDUCT-
17 IBLE, COINSURANCE, COPAYMENT, OR ANY OTHER COST-SHARING REQUIREMENT ON
18 THE COVERAGE PROVIDED PURSUANT TO THIS SUBSECTION.
19 (3) EXCEPT AS OTHERWISE AUTHORIZED UNDER THIS SUBSECTION, A CONTRACT
20 SHALL NOT IMPOSE ANY RESTRICTIONS OR DELAYS ON THE COVERAGE REQUIRED
21 UNDER THIS SUBSECTION.
22 (4) BENEFITS FOR AN ENROLLEE UNDER THIS SUBSECTION SHALL BE THE SAME
23 FOR AN ENROLLEE'S COVERED SPOUSE OR DOMESTIC PARTNER AND COVERED
24 NONSPOUSE DEPENDENTS.
25 (5) Notwithstanding any other provision of this subsection, a reli-
26 gious employer may request a contract without coverage for federal food
27 and drug administration approved contraceptive methods that are contrary
28 to the religious employer's religious tenets. If so requested, such
29 contract shall be provided without coverage for contraceptive methods.
30 This paragraph shall not be construed to deny an enrollee coverage of,
31 and timely access to, contraceptive methods.
32 (A) For purposes of this subsection, a "religious employer" is an
33 entity for which each of the following is true:
34 (i) The inculcation of religious values is the purpose of the entity.
35 (ii) The entity primarily employs persons who share the religious
36 tenets of the entity.
37 (iii) The entity serves primarily persons who share the religious
38 tenets of the entity.
39 (iv) The entity is a nonprofit organization as described in Section
40 6033(a)(2)(A)i or iii, of the Internal Revenue Code of 1986, as amended.
41 (B) Every religious employer that invokes the exemption provided under
42 this paragraph shall provide written notice to prospective enrollees
43 prior to enrollment with the plan, listing the contraceptive health care
44 services the employer refuses to cover for religious reasons.
45 [(2) (A) Where a group contractholder makes an election not to
46 purchase coverage for contraceptive drugs or devices in accordance with
47 paragraph one of this subsection, each enrollee covered under the
48 contract issued to that group contractholder shall have the right to
49 directly purchase the rider required by this subsection from the insurer
50 or health maintenance organization which issued the group contract at
51 the prevailing small group community rate for such rider whether or not
52 the employee is part of a small group.
53 (B) Where a group contractholder makes an election not to purchase
54 coverage for contraceptive drugs or devices in accordance with paragraph
55 one of this subsection, the insurer or health maintenance organization
56 that provides such coverage shall provide written notice to enrollees

1 upon enrollment with the insurer or health maintenance organization of
2 their right to directly purchase a rider for coverage for the cost of
3 contraceptive drugs or devices. The notice shall also advise the enrol-
4 lees of the additional premium for such coverage.

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

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

13 S 4. Subparagraph (E) of paragraph 17 of subsection (i) of section
14 3216 of the insurance law is amended by adding a new clause (v) to read
15 as follows:

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

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

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

52 S 6. Subdivision 6 of section 6527 of the education law, as added by
53 chapter 573 of the laws of 1999, paragraph (c) as added by chapter 221
54 of the laws of 2002, paragraph (d) as added by chapter 429 of the laws
55 of 2005, paragraph (e) as added by chapter 352 of the laws of 2014 and

1 paragraph (f) as added by section 6 of part V of chapter 57 of the laws
2 of 2015, is amended to read as follows:

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

7 (a) A REGISTERED PROFESSIONAL NURSE FOR:

8 (I) administering immunizations[.];

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

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

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

13 [(e)] (V) administering tests to determine the presence of the hepatis
14 C virus[.];

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

18 (VII) the urgent or emergency treatment of opioid related overdose or
19 suspected opioid related overdose.

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

23 S 6-a. Paragraph (c) of subdivision 6 of section 6527 of the education
24 law, as amended by chapter 464 of the laws of 2015, is amended to read
25 as follows:

26 [(c)](III) administering purified protein derivative (PPD) tests or
27 other tests to detect or screen for tuberculosis infections[.];

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

31 3. A pharmacist may dispense drugs and devices to a registered profes-
32 sional nurse, and a registered professional nurse may possess and admin-
33 ister, drugs and devices, pursuant to a non-patient specific regimen
34 prescribed or ordered by a licensed physician, LICENSED MIDWIFE or
35 certified nurse practitioner, pursuant to regulations promulgated by the
36 commissioner and the public health law.

37 4. A PHARMACIST MAY DISPENSE A NON-PATIENT SPECIFIC REGIMEN OF EMER-
38 GENCY CONTRACEPTION, TO BE SELF-ADMINISTERED BY THE PATIENT, PRESCRIBED
39 OR ORDERED BY A LICENSED PHYSICIAN, CERTIFIED NURSE PRACTITIONER, OR
40 LICENSED MIDWIFE, UNDER SECTION SIXTY-EIGHT HUNDRED THIRTY-TWO OF THIS
41 ARTICLE.

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

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

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

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

54 2. THIS SECTION APPLIES TO THE ADMINISTERING OR DISPENSING OF EMERGEN-
55 CY CONTRACEPTION BY A REGISTERED PROFESSIONAL NURSE OR THE DISPENSING OF
56 EMERGENCY CONTRACEPTION BY A LICENSED PHARMACIST PURSUANT TO A

1 PRESCRIPTION OR ORDER FOR A NON-PATIENT SPECIFIC REGIMEN MADE BY A PRES-
2 CRIBER UNDER SECTION SIXTY-FIVE HUNDRED TWENTY-SEVEN, SIXTY-NINE HUNDRED
3 NINE OR SIXTY-NINE HUNDRED FIFTY-ONE OF THIS TITLE. THIS SECTION DOES
4 NOT APPLY TO ADMINISTERING OR DISPENSING EMERGENCY CONTRACEPTION WHEN
5 LAWFULLY DONE WITHOUT SUCH A PRESCRIPTION OR ORDER.

6 3. THE ADMINISTERING OR DISPENSING OF EMERGENCY CONTRACEPTION BY A
7 REGISTERED PROFESSIONAL NURSE OR THE DISPENSING OF EMERGENCY CONTRACEP-
8 TION BY A LICENSED PHARMACIST SHALL BE DONE IN ACCORDANCE WITH PROFES-
9 SIONAL STANDARDS OF PRACTICE AND IN ACCORDANCE WITH WRITTEN PROCEDURES
10 AND PROTOCOLS AGREED TO BY THE REGISTERED PROFESSIONAL NURSE OR LICENSED
11 PHARMACIST AND THE PRESCRIBER OR A HOSPITAL (LICENSED UNDER ARTICLE
12 TWENTY-EIGHT OF THE PUBLIC HEALTH LAW) THAT PROVIDES GYNECOLOGICAL OR
13 FAMILY PLANNING SERVICES.

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

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

26 S 9. Subdivision 4 of section 6909 of the education law, as added by
27 chapter 573 of the laws of 1999, paragraph (a) as amended and paragraph
28 (c) as added by chapter 221 of the laws of 2002, paragraph (d) as added
29 by chapter 429 of the laws of 2005, paragraph (e) as added by chapter
30 352 of the laws of 2014 and paragraph (f) as added by section 5 of part
31 V of chapter 57 of the laws of 2015, is amended to read as follows:

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

37 (a) A REGISTERED PROFESSIONAL NURSE FOR:

38 (I) administering immunizations[.];

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

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

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

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

45 [(f)] (VI) EMERGENCY CONTRACEPTION, TO BE ADMINISTERED TO OR DISPENSED
46 TO BE SELF-ADMINISTERED BY THE PATIENT, UNDER SECTION SIXTY-EIGHT
47 HUNDRED THIRTY-TWO OF THIS TITLE; OR

48 (VII) the urgent or emergency treatment of opioid related overdose or
49 suspected opioid related overdose.

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

53 S 9-a. Paragraph (c) of subdivision 4 of section 6909 of the education
54 law, as amended by chapter 464 of the laws of 2015, is amended to read
55 as follows:

1 [(c)](III) administering purified protein derivative (PPD) tests or
2 other tests to detect or screen for tuberculosis infections[.];

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

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

9 S 11. Section 6951 of the education law is amended by adding a new
10 subdivision 4 to read as follows:

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

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

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

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

22 (M) EMERGENCY CONTRACEPTION, INCLUDING INFORMATION ABOUT ITS SAFETY,
23 EFFICACY, APPROPRIATE USE AND AVAILABILITY.

24 S 13. This act shall take effect January 1, 2017; provided that
25 section six of this act shall take effect January 1, 2018; provided,
26 however, that if chapter 464 of the laws of 2015 shall not have taken
27 effect on or before such date then the amendments to paragraph (c) of
28 subdivision 6 of section 6527 of the education law made by section six-a
29 of this act shall take effect on the same date and in the same manner as
30 chapter 464 of the laws of 2015, takes effect; provided, further, that
31 if chapter 464 of the laws of 2015 shall not have taken effect on or
32 before such date then the amendments to paragraph (c) of subdivision 4
33 of section 6909 of the education law made by section nine-a of this act
34 shall take effect on the same date and in the same manner as chapter 464
35 of the laws of 2015, takes effect; and provided, further, that effective
36 immediately, the addition, amendment and/or repeal of any rule or regu-
37 lation necessary for the implementation of this act on its effective
38 date is authorized and directed to be made and completed by the commis-
39 sioner of education and the board of regents on or before such effective
40 date.