

8707--A

I N   A S S E M B L Y

January 13, 2016

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Introduced by M. of A. PAULIN, GOTTFRIED, THIELE, SEPULVEDA, GALEF, RUSSELL, COOK, RIVERA, SEAWRIGHT, JAFFEE, DINOWITZ, BICHOTTE, BARRETT -- Multi-Sponsored by -- M. of A. BRENNAN, ROBINSON -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

1     Section 1.     The education law is amended by adding a new section  
2     6505-d to read as follows:

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

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

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

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

17    3. A pharmacist may dispense drugs and devices to a registered profes-  
18    sional nurse, and a registered professional nurse may possess and admin-  
19    ister, drugs and devices, pursuant to a non-patient specific regimen  
20    prescribed or ordered by a licensed physician, LICENSED MIDWIFE, or  
21    certified nurse practitioner, pursuant to regulations promulgated by the  
22    commissioner and the public health law.

23    4. A. A LICENSED PHARMACIST MAY DISPENSE A NON-PATIENT SPECIFIC REGI-  
24    MEN OF CONTRACEPTIVE DRUGS AND DEVICES THAT ARE SELF-ADMINISTERED AND

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

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1 APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION, PRESCRIBED OR  
2 ORDERED BY A LICENSED PHYSICIAN, CERTIFIED NURSE PRACTITIONER, OR  
3 LICENSED MIDWIFE, PURSUANT TO RULES AND REGULATIONS PROMULGATED BY THE  
4 COMMISSIONER, IN ACCORDANCE WITH PROFESSIONAL STANDARDS OF PRACTICE AND  
5 THE PROVISIONS OF THIS SUBDIVISION.

6 B. THE DISPENSING OF CONTRACEPTIVE DRUGS AND DEVICES THAT ARE SELF-AD-  
7 MINISTERED BY A LICENSED PHARMACIST UNDER THIS SUBDIVISION SHALL BE DONE  
8 IN ACCORDANCE WITH WRITTEN PROCEDURES AND PROTOCOLS DEVELOPED BY A PHAR-  
9 MACIST AND A LICENSED PHYSICIAN, CERTIFIED NURSE PRACTITIONER, LICENSED  
10 MIDWIFE, OR A HOSPITAL (LICENSED UNDER ARTICLE TWENTY-EIGHT OF THE  
11 PUBLIC HEALTH LAW) THAT PROVIDES GYNECOLOGICAL OR FAMILY PLANNING  
12 SERVICES. WHEN CONTRACEPTIVE DRUGS AND DEVICES THAT ARE SELF-ADMINIS-  
13 TERED ARE DISPENSED UNDER THIS SUBDIVISION, THE PHARMACIST SHALL PROVIDE  
14 TO THE PATIENT A FACT SHEET THAT INCLUDES THE CLINICAL CONSIDERATIONS  
15 AND RECOMMENDATIONS FOR USE OF THE DRUG, THE APPROPRIATE METHOD FOR  
16 USING THE DRUG, INFORMATION ON THE IMPORTANCE OF FOLLOW-UP HEALTH CARE,  
17 AND HEALTH CARE REFERRAL INFORMATION. THE COMMISSIONER SHALL DEVELOP  
18 THIS FACT SHEET IN CONSULTATION WITH THE DEPARTMENT OF HEALTH AND THE  
19 AMERICAN COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS. PRIOR TO DISPENSING  
20 CONTRACEPTIVE DRUGS AND DEVICES THAT ARE SELF-ADMINISTERED AS AUTHORIZED  
21 UNDER THIS SECTION, A PHARMACIST SHALL SUCCESSFULLY COMPLETE CONTRACEP-  
22 TIVE DRUG THERAPY EDUCATION AND TRAINING IN ACCORDANCE WITH SUBDIVISION  
23 SEVEN OF SECTION SIXTY-EIGHT HUNDRED TWENTY-SEVEN OF THIS ARTICLE.

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

26 7. ACCEPTABLE FORMAL CONTINUING EDUCATION UNDER THIS SECTION SHALL  
27 INCLUDE EDUCATION AND TRAINING IN CONTRACEPTIVE DRUGS AND DEVICES THAT  
28 ARE SELF-ADMINISTERED, IN ACCORDANCE WITH REGULATIONS OF THE COMMISSION-  
29 ER. THE COMMISSIONER MAY PROVIDE THAT A PHARMACIST WHO HAS HAD SUFFI-  
30 CIENTLY RECENT EDUCATION AND TRAINING IN CONTRACEPTIVE DRUGS MAY BE  
31 EXEMPTED FROM THE REQUIREMENT OF THIS SUBDIVISION.

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

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

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

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

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

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

51 S 8. 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 CONSISTENT WITH THE PUBLIC HEALTH LAW,  
56 TO:

1 (A) A REGISTERED PROFESSIONAL NURSE FOR CONTRACEPTIVE DRUGS AND  
2 DEVICES THAT ARE SELF-ADMINISTERED AND APPROVED BY THE FEDERAL FOOD AND  
3 DRUG ADMINISTRATION, IN ACCORDANCE WITH PROFESSIONAL STANDARDS OF PRAC-  
4 TICE; OR

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

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