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

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I N A S S E M B L Y

April 14, 2016

Introduced by M. of A. GOTTFRIED, ABINANTI, BENEDETTO, BICHOTTE, BLAKE, CAHILL, COLTON, COOK, CRESPO, CYMBROWITZ, DINOWITZ, FAHY, GALEF, HOOPER, JAFFEE, MARKEY, MAYER, McDONOUGH, PAULIN, PEOPLES-STOKES, RA, RAIA, SEAWRIGHT, SIMON, SOLAGES, STECK, THIELE, TITONE, ZEBROWSKI -- Multi-Sponsored by -- M. of A. BRENNAN, BUCHWALD, CERETTO, CROUCH, ENGLEBRIGHT, GLICK, HYNDMAN, MAGEE, McKEVITT, NOLAN, SIMANOWITZ -- read once and referred 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:

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

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

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

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

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

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

LBD14809-02-6

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

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

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

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

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

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

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

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