

6779--B

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I N S E N A T E

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Introduced by Sens. HANNON, AVELLA, LARKIN, MURPHY, SERINO -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading -- repassed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the public health law and the education law, in relation to electronic prescriptions

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

1 Section 1. Subdivisions 4 and 5 of section 281 of the public health
2 law, as added by section 2 of part B of chapter 447 of the laws of 2012,
3 are amended to read as follows:
4 4. In the case of a prescription for a controlled substance issued by
5 a practitioner under paragraph (b) of subdivision three of this section,
6 the practitioner shall [file information about the issuance of such
7 prescription with the department as soon as practicable, as set forth in
8 regulation] INDICATE IN THE PATIENT'S HEALTH RECORD THAT THE
9 PRESCRIPTION WAS ISSUED OTHER THAN ELECTRONICALLY DUE TO TEMPORARY TECH-
10 NOLOGICAL OR ELECTRICAL FAILURE.
11 5. In the case of a prescription for a controlled substance issued by
12 a practitioner under paragraph (d) or (e) of subdivision three of this
13 section, the practitioner shall, upon issuing such prescription, [file
14 information about the issuance of such prescription with the department
15 by electronic means, as set forth in regulation] INDICATE IN THE
16 PATIENT'S HEALTH RECORD EITHER THAT THE PRESCRIPTION WAS ISSUED OTHER
17 THAN ELECTRONICALLY BECAUSE IT (A) WAS IMPRACTICAL TO ISSUE AN ELECTRON-
18 IC PRESCRIPTION IN A TIMELY MANNER AND SUCH DELAY WOULD HAVE ADVERSELY
19 IMPACTED THE PATIENT'S MEDICAL CONDITION, OR (B) WAS TO BE DISPENSED BY
20 A PHARMACY LOCATED OUTSIDE THE STATE.

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

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1 S 2. Subdivisions 11, 12 and 13 of section 6810 of the education law,
2 as added by section 3 of part B of chapter 447 of the laws of 2012, are
3 amended to read as follows:

4 11. In the case of a prescription issued by a practitioner under para-
5 graph (b) of subdivision ten of this section, the practitioner shall be
6 required to [file information about the issuance of such prescription
7 with the department of health as soon as practicable, as set forth in
8 regulation] INDICATE IN THE PATIENT'S HEALTH RECORD THAT THE
9 PRESCRIPTION WAS ISSUED OTHER THAN ELECTRONICALLY DUE TO TEMPORARY TECH-
10 NOLOGICAL OR ELECTRICAL FAILURE.

11 12. In the case of a prescription issued by a practitioner under para-
12 graph (d) or (e) of subdivision ten of this section, the practitioner
13 shall, upon issuing such prescription, [file information about the issu-
14 ance of such prescription with the department of health by electronic
15 means, as set forth in regulation] INDICATE IN THE PATIENT'S HEALTH
16 RECORD EITHER THAT THE PRESCRIPTION WAS ISSUED OTHER THAN ELECTRONICALLY
17 BECAUSE IT (A) WAS IMPRACTICAL TO ISSUE AN ELECTRONIC PRESCRIPTION IN A
18 TIMELY MANNER AND SUCH DELAY WOULD HAVE ADVERSELY IMPACTED THE PATIENT'S
19 MEDICAL CONDITION, OR (B) WAS TO BE DISPENSED BY A PHARMACY LOCATED
20 OUTSIDE THE STATE.

21 13. The waiver process established in regulation pursuant to paragraph
22 (c) of subdivision ten of this section shall provide that a practitioner
23 prescribing under a waiver must notify the department OF HEALTH in writ-
24 ing promptly upon gaining the capability to use electronic prescribing,
25 and that a waiver shall terminate within a specified period of time
26 after the practitioner gains such capability.

27 S 3. This act shall take effect immediately.