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

6811

I N S E N A T E

February 24, 2016

Introduced by Sen. STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to authorizing pharmacists to dispense certain contraceptives

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

Section 1. The education law is amended by adding a new section 6832 to read as follows:

S 6832. DISPENSING CONTRACEPTION. 1. IN ACCORDANCE WITH RULES ADOPTED BY THE STATE BOARD OF PHARMACY A PHARMACIST MAY DISPENSE HORMONAL CONTRACEPTIVE PATCHES AND SELF-ADMINISTERED ORAL HORMONAL CONTRACEPTIVES.

2. THE BOARD SHALL ADOPT RULES TO ESTABLISH IN CONSIDERATION OF GUIDELINES ESTABLISHED BY THE AMERICAN CONGRESS OF OBSTETRICIANS AND GYNECOLOGISTS, STANDARD PROCEDURES FOR THE PRESCRIBING OF HORMONAL CONTRACEPTIVE PATCHES AND SELF-ADMINISTERED ORAL HORMONAL CONTRACEPTIVES BY PHARMACISTS.

3. THE RULES ADOPTED UNDER THIS SECTION MUST REQUIRE A PHARMACIST TO:

A. COMPLETE A TRAINING PROGRAM APPROVED BY THE STATE BOARD OF PHARMACY THAT IS RELATED TO PRESCRIBING HORMONAL CONTRACEPTIVE PATCHES AND SELF-ADMINISTERED ORAL HORMONAL CONTRACEPTIVES;

B. PROVIDE A SELF-SCREENING RISK ASSESSMENT TOOL THAT THE PATIENT MUST USE PRIOR TO THE PHARMACIST'S PRESCRIBING THE HORMONAL CONTRACEPTIVE PATCH OR SELF-ADMINISTERED ORAL HORMONAL CONTRACEPTIVE;

C. REFER THE PATIENT TO THE PATIENT'S PRIMARY CARE PRACTITIONER OR WOMEN'S HEALTH CARE PRACTITIONER UPON PRESCRIBING AND DISPENSING THE HORMONAL CONTRACEPTIVE PATCH OR SELF-ADMINISTERED ORAL HORMONAL CONTRACEPTIVE;

D. PROVIDE THE PATIENT WITH A WRITTEN RECORD OF THE HORMONAL CONTRACEPTIVE PATCH OR SELF-ADMINISTERED ORAL HORMONAL CONTRACEPTIVE PRESCRIBED AND DISPENSED AND ADVISE THE PATIENT TO CONSULT WITH A PRIMARY CARE PRACTITIONER OR WOMEN'S HEALTH CARE PRACTITIONER; AND

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

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E. DISPENSE THE HORMONAL CONTRACEPTIVE PATCH OR SELF-ADMINISTERED ORAL HORMONAL CONTRACEPTIVE TO THE PATIENT AS SOON AS PRACTICABLE AFTER THE PHARMACIST ISSUES THE PRESCRIPTION.

4. THE RULES ADOPTED UNDER THIS SUBSECTION MUST PROHIBIT A PHARMACIST FROM:

A. REQUIRING A PATIENT TO SCHEDULE AN APPOINTMENT WITH THE PHARMACIST FOR THE PRESCRIBING OR DISPENSING OF A HORMONAL CONTRACEPTIVE PATCH OR SELF-ADMINISTERED ORAL HORMONAL CONTRACEPTIVE; AND

B. PRESCRIBING AND DISPENSING A HORMONAL CONTRACEPTIVE PATCH OR SELF-ADMINISTERED ORAL HORMONAL CONTRACEPTIVE TO A PATIENT WHO DOES NOT HAVE EVIDENCE OF A CLINICAL VISIT FOR WOMEN'S HEALTH WITHIN THE THREE YEARS IMMEDIATELY FOLLOWING THE INITIAL PRESCRIPTION AND DISPENSATION OF A HORMONAL CONTRACEPTIVE PATCH OR SELF-ADMINISTERED ORAL HORMONAL CONTRACEPTIVE BY A PHARMACIST TO THE PATIENT.

5. ALL STATE AND FEDERAL LAWS GOVERNING INSURANCE COVERAGE OF CONTRACEPTIVE DRUGS, DEVICES, PRODUCTS AND SERVICES SHALL APPLY TO HORMONAL CONTRACEPTIVE PATCHES AND SELF-ADMINISTERED ORAL HORMONAL CONTRACEPTIVES PRESCRIBED BY A PHARMACIST UNDER THIS SECTION.

6. FOR THE PURPOSES OF THIS SECTION: A. "HORMONAL CONTRACEPTIVE PATCH" MEANS A TRANSDERMAL PATCH APPLIED TO THE SKIN OF A PATIENT, BY THE PATIENT OR BY A PRACTITIONER, THAT RELEASES A DRUG COMPOSED OF A COMBINATION OF HORMONES THAT IS APPROVED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION TO PREVENT PREGNANCY.

B. "SELF-ADMINISTERED ORAL HORMONAL CONTRACEPTIVE" MEANS A DRUG COMPOSED OF A COMBINATION OF HORMONES THAT IS APPROVED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION TO PREVENT PREGNANCY AND THAT THE PATIENT TO WHOM THE DRUG IS PRESCRIBED MAY TAKE ORALLY.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law; provided, however, that effective immediately, the state board of pharmacy may take any action necessary to implement the provisions of this act on its effective date.