STATE OF NEW YORK

7042--A

IN SENATE

(Prefiled)

January 3, 2018

Introduced by Sen. ORTT -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the mental hygiene law and the education law, in relation to integrated care and the location of pharmacies

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The mental hygiene law is amended by adding a new section 7.46 to read as follows:

§ 7.46 Operating certificates.

(a) The commissioner or the commissioner of the office of alcoholism and substance abuse services shall not deny an operating certificate pursuant to section 31.02 or 32.05 of this chapter to a facility providing out-patient or non-residential services for the mentally disabled or individuals suffering from chemical abuse or dependence that includes a pharmacy within the facility, provided that the pharmacy:

(1) conforms with paragraph g of subdivision two of section sixty-eight hundred eight of the education law;

(2) is not operated by the facility;

(3) does not share revenue of the pharmacy with the facility; and

(4) does not require or otherwise coerce patients to utilize such pharmacy.

(b) Furthermore, patients, clinic staff and other individuals may traverse the common waiting area within the clinic space to access such pharmacy, and the pharmacy need not have a separate public entrance leading from outside of the building to such pharmacy. Nothing in this subdivision shall prevent the facility from collecting rent from the operator of such pharmacy if such pharmacy is leasing space from the facility.

§ 2. Paragraphs g and h of subdivision 2 of section 6808 of the education law are relettered paragraphs h and i and a new paragraph g is added to read as follows:

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

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g. A pharmacy within a facility providing out-patient or non-residential services for the mentally disabled or individuals suffering from chemical abuse or dependence. When a pharmacy is operated within a facility providing out-patient or non-residential services for the mentally disabled or individuals suffering from chemical abuse or dependence under an operating certificate issued by the commissioners of the office of mental health or the office of alcoholism and substance abuse services pursuant to section 31.02 or 32.05 of the mental hygiene law, the area compromising the pharmacy shall be secured, preventing unauthorized access to the pharmacy and drugs when a pharmacist is not on duty. Identification of the area within the pharmacy by use of the words "drugs", "medicines", "drug store", or "pharmacy" or similar terms shall be restricted to the area licensed by the department as a pharmacy. Patients, clinic staff and other individuals may traverse the common waiting area within the clinic space to access such pharmacy, and such pharmacy need not have a separate public entrance leading from outside of the building to such pharmacy.

§ 3. This act shall take effect immediately.