STATE OF NEW YORK

1149

2019-2020 Regular Sessions

IN ASSEMBLY

January 14, 2019

Introduced by M. of A. GOTTFRIED, LUPARDO, D'URSO, ABINANTI, WRIGHT, M. G. MILLER, SIMON, WEPRIN, LIFTON, ZEBROWSKI, McDONOUGH, MORINELLO, JAFFEE -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to authorization to prescribe controlled substances

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

Section 1. Subdivision 12 of section 3360 of the public health law, as added by chapter 90 of the laws of 2014, is amended to read as follows:

12. "Practitioner" means a practitioner who (i) is [~~a physician~~] **authorized by this article to prescribe a controlled substance, is** licensed [~~by New York state and practicing within the state~~] **or otherwise authorized to practice under title eight of the education law, and is acting within his or her lawful scope of practice**, (ii) [~~who~~] by training or experience is qualified to treat a serious condition as defined in subdivision seven of this section; and (iii) has completed a two to four hour course as determined by the commissioner in regulation and registered with the department; provided however, a registration shall not be denied without cause. Such course may count toward board certification requirements. [~~The commissioner shall consider the inclusion of nurse practitioners under this title based upon considerations including access and availability. After such consideration the commissioner is authorized to deem nurse practitioners as practitioners under this title.~~]

§ 2. This act shall take effect on the sixtieth day after it shall have become a law; provided that, effective immediately, the commissioner of health shall make regulations and take other actions reasonably necessary for this act to take effect on that date; and provided further that the amendments to subdivision 12 of section 3360 of the public health law made by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

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

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