STATE OF NEW YORK

4888

2019-2020 Regular Sessions

IN ASSEMBLY

February 5, 2019

Introduced by M. of A. BLANKENBUSH, LAVINE, CROUCH, GIGLIO, D'URSO -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to establishing the practice of telepharmacy

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

Section 1. Section 6802 of the education law is amended by adding four new subdivisions 29, 30, 31 and 32 to read as follows:

29. "Remote site" means a pharmacy staffed by registered pharmacy technicians with access to its main pharmacy and registered pharmacists by computer link, video link and audio link while open.

30. "Satellite consultation site" means a telepharmacy where any filled prescriptions ready for dispensing are prepared at another pharmacy and delivered to the satellite for dispensing via computer link, video link and audio link to the main pharmacy and a licensed pharmacist.

31. "Telepharmacy" means a central pharmacy with one or more remote sites in which all sites are connected via computer link, video link and audio link.

32. "Telepharmacy in hospitals" means a central hospital pharmacy with one or more remote sites in which all sites are connected via computer link, video link and audio link.

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

§ 6832. Telepharmacy. 1. A remote site shall comply with section sixty-eight hundred eight of this article, governing requirements for permit to operate a pharmacy. The remote site is considered to be under the personal charge of the pharmacist at the central pharmacy.

2. A remote site shall be connected to its central pharmacy via computer link, video link and audio link. A remote site shall use its

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

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central pharmacy's central processing unit, including, but not limited to:

(a) consecutive prescription numbers and all prescription records shall be maintained at the central pharmacy;

(b) prescriptions filled at the remote site shall be distinguishable on records from those filled at the central pharmacy;

(c) daily reports must be separated for the central pharmacy and the remote site, but shall be maintained at the central pharmacy;

(d) pharmacies shall be able to generate labels from the central pharmacy or at the remote site; and

(e) all prescriptions distributed at the remote site shall have a label that meets requirements set forth in section sixty-eight hundred eleven-a of this article attached to the final drug container before the pharmacist verifies the dispensing process.

3. A pharmacist at the central pharmacy shall approve each prescription before it leaves the remote site, including, but not limited to:

(a) dispensing is considered to be done at the central pharmacy;

(b) both the pharmacist's and the technician's initials shall appear on the fill screen, patient profile and label; and

(c) a pharmacist shall compare via video link the stock bottle, drug dispensed and strength. The entire label shall be checked for accuracy on the video link.

4. Counseling shall be accomplished by a pharmacist via video and audio link. The pharmacist shall counsel the patient or the patient's agent on all new prescriptions and refills.

5. A pharmacist shall complete monthly inspections of the remote site. Inspection criteria shall be included in the policies and procedures for the site. The inspection reports shall be maintained until the next state board of pharmacy inspection.

6. The remote site shall have a prescription inventory. Controlled substances shall be kept at the remote site.

(a) If controlled substances are kept, the remote site shall be registered with the drug enforcement administration and shall obtain its own drug enforcement administration number.

(b) All records shall be stored at the central pharmacy, except those required by drug enforcement administration to be at the drug enforcement administration registered site.

(c) Policies and procedures shall be implemented to ensure the safe and effective distribution of pharmaceutical products and delivery of required pharmaceutical care; including, but not limited to an ongoing review of incident reports and outcomes, with appropriate corrective action taken when necessary, to ensure there is no abnormal frequency of errors in dispensing drugs or devices.

7. Dispensing and consultation may be done when the registered pharmacy technician is not present, under the following circumstances:

(a) The prescription has been prepared by the registered pharmacy technician and checked by the licensed pharmacist;

(b) The prescription area is locked;

(c) A separate locked drawer or cabinet is maintained for prescriptions ready for dispensing;

(d) A log is maintained by the registered pharmacy technician of prescriptions placed in the locked drawer or cabinet;

(e) A record shall be made by the pharmacist as to the date and time at which dispensing and counseling occurs;

(f) Supportive personnel, trained in the use of the audio link and video link, to the licensed pharmacist, are on hand, to assist the patients; and

(g) The patients receive their prescriptions as such patients are being counseled by the licensed pharmacist.

8. The permitholder or the pharmacist in charge of the central pharmacy shall apply for a permit for the remote site. A telepharmacy permit is hereby established for the purpose of conducting a telepharmacy. Such permits are issued to a remote site connected to a central pharmacy via computer link, video link and audio link.

9. To the extent of a conflict with any provision of this article, the provisions of this article govern with respect to a telepharmacy and remote site operating in compliance with this chapter. With the following conditions, this section is an exception to the following rules:

(a) The remote site shall have a registered pharmacy technician present and a working computer, video and audio link to a pharmacist at the central pharmacy to have the prescription area open. The communication link shall be checked daily and the remote site pharmacy shall be closed if such link malfunctions, unless a pharmacist is at the remote site.

(i) The technician shall be registered with the state board of pharmacy.

(ii) The technician shall be a graduate of an approved pharmacy technician education program or must make application to the state board of pharmacy, which demonstrates knowledge and experience in preparation of prescriptions for dispensing and working with patients.

(iii) A pharmacist may oversee no more than four remote sites. As dispensing is considered done by the pharmacist, the pharmacist shall be held responsible for and held accountable for the remote site.

(b) The pharmacy technician may unlock the prescription and storage areas. While the technician is on duty, the prescription area may remain open.

(c) The input of drug information shall be done by a pharmacist at the main pharmacy or if entered by the technician at the remote site, shall be verified by a pharmacist.

(i) New prescriptions may be received at the central pharmacy and entered there with a label printing at the remote site; and

(ii) New prescriptions received at the remote site may be entered into the computer system there with all verification, interaction checking and profile review the responsibility of the pharmacist at the central pharmacy.

10. The state board of pharmacy may suspend immediately the permit of any telepharmacy if a danger to the public exists.

11. There shall be established telepharmacy satellite consultation sites which shall:

(a) have no prescription inventory;

(b) allow only filled prescriptions, filled at the central pharmacy, with final patient labeling attached;

(c) be controlled by supportive personnel who have been trained in the use of the patient counseling audio links and video links necessary for the dispensing and consultation to occur;

(d) have the supportive personnel necessary to assist the patient in accessing the pharmacist via the audio link and video link;

(e) accept prescription refill requests communicated to such site by the patient or the patient's agent;

(f) accept original written prescriptions brought to such sites by the patient or the patient's agent for faxing, scanning and transmitting to the central pharmacy;

(g) not receive a prescription or refill communicated from practitioners at such sites;

(h) maintain by the pharmacist security of filled prescriptions by a separate locked drawer or cabinet; and

(i) have a record by the pharmacist as to the date and time at which dispensing and counseling occurred.

12. In a hospital which is utilizing telepharmacy, pursuant to this section, no prescription order may be released for administration to a patient until approved by a pharmacist via the audio link, video link and computer link. The policy and procedures of the hospital pharmacy shall address all aspects of the telepharmacy operation, including, but not limited to, the control of the pharmacy by the registered pharmacy technician in the absence of the pharmacist.

13. Telepharmacy satellite remote dispensing machine sites shall have prescription inventory, which is secured in an automated dispensing device connected to the central processing unit at the central pharmacy.

A pharmacist shall approve all prescription orders before such prescriptions are released from the automated dispensing device.

Dispensing and counseling are performed by the licensed pharmacist at the central site via audio link and video link.

§ 3. This act shall take effect immediately. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.