

# STATE OF NEW YORK

2463

2021-2022 Regular Sessions

## IN ASSEMBLY

January 19, 2021

Introduced by M. of A. DINOWITZ -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law and the public health law, in relation to the automated storage and dispensing of controlled substances using an automated dispensing device

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

1 Section 1. Section 6802 of the education law is amended by adding a  
2 new subdivision 29 to read as follows:

3 29. "Automated dispensing device (ADD)" shall mean a mechanical system  
4 designed for use in health care facilities allowing for computer-cont-  
5 rolled storage, packaging and dispensing of drugs and devices to  
6 licensed health care professionals near the point of care.

7 § 2. The public health law is amended by adding a new section 280-d to  
8 read as follows:

9 § 280-d. Automated storage and dispensing of controlled substances. 1.  
10 For purposes of this section, "automated dispensing device (ADD)" shall  
11 mean a mechanical system designed for use in health care facilities  
12 allowing for computer-controlled storage, packaging and dispensing of  
13 drugs and devices to licensed health care professionals near the point  
14 of care.

15 2. Notwithstanding any provision of law, rule or regulation to the  
16 contrary, licensed health care facilities throughout the state shall be  
17 permitted to use automated dispensing devices to store, package and  
18 dispense medications, including controlled substances, as authorized by  
19 such facility's licensing body.

20 3. The ADD and its contents shall remain the property of the pharmacy.

21 4. Licensed health care facilities shall implement and maintain  
22 adequate and appropriate policies, procedures and quality assurance  
23 programs to ensure safety, accuracy, security, accountability, patient

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

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1 confidentiality and functionally with respect to the administration and  
2 usage of automated dispensing devices.

3 5. Access to an automated dispensing device within a licensed health  
4 care facility shall be restricted to authorized licensed personnel, and  
5 a list of such authorized personnel shall be maintained at all times  
6 within the system and shall be reviewed and updated periodically.

7 6. All medications, including controlled substances shall be dispensed  
8 from an automated dispensing device pursuant to a valid, patient-specif-  
9 ic prescription or order.

10 7. The servicing pharmacy shall maintain records on-site for a period  
11 of not less than five years with respect to the use of automated  
12 dispensing devices. Such records shall include:

13 (a) documentation of the approval for use and placement of an auto-  
14 mated dispensing device by such licensed health care facility from such  
15 facility's licensing body, if applicable;

16 (b) the location of all automated dispensing devices being used at  
17 such facility;

18 (c) delivery manifests or similar electronic documentation which moni-  
19 tors the transport of controlled substances between the servicing phar-  
20 macy and the automated dispensing device;

21 (d) automated dispensing device maintenance and cleaning logs, or  
22 similar documentation;

23 (e) documentation or electronic data of all events involving an auto-  
24 mated dispensing device, including, but not limited to:

25 (i) the identity of personnel who have accessed the contents of such  
26 device;

27 (ii) the location of the device accessed;

28 (iii) the type of transaction, including a date and time stamp;

29 (iv) the name, strength, dosage form and quantity of an accessed prod-  
30 uct;

31 (v) the name or other identifier of the patient for whom the  
32 controlled substance was ordered; and

33 (vi) reconciliation of all inventory activities.

34 8. Any losses of medication shall be reported in accordance with the  
35 requirements of the servicing pharmacy's licensing body.

36 9. Servicing pharmacies utilizing automated dispensing devices in  
37 licensed health care facilities for routine medication dispensing, for  
38 emergency medication kits or other similar approved use, shall be loaded  
39 by either a:

40 (a) pharmacy technician, pharmacy intern, or pharmacist; or

41 (b) licensed nurse.

42 10. Servicing pharmacies utilizing automated dispensing devices in  
43 licensed health care facilities for routine medication dispensing of  
44 controlled substances shall obtain a machine-specific federal Drug  
45 Enforcement Agency (DEA) registration number, and appropriate New York  
46 state licensing.

47 11. Servicing pharmacies utilizing automated dispensing devices in  
48 licensed health care facilities for routine medication dispensing shall  
49 ensure that such device is continually monitored by video.

50 § 3. This act shall take effect immediately.