

STATE OF NEW YORK

3033

2021-2022 Regular Sessions

IN ASSEMBLY

January 22, 2021

Introduced by M. of A. McDONALD, SAYEGH, ASHBY, SOLAGES, GALEF, GOTTFRIED, WALLACE, SCHMITT, SEAWRIGHT -- Multi-Sponsored by -- M. of A. TAGUE -- read once and referred to the Committee on Higher Education

AN ACT to amend the public health law and the education law, in relation to including certain pharmacists as qualified health care professionals and authorizing such pharmacists to complete a waived test

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

1 Section 1. Subdivision 6 of section 571 of the public health law, as
2 amended by chapter 444 of the laws of 2013, is amended to read as
3 follows:

4 6. "Qualified health care professional" means a physician, dentist,
5 podiatrist, optometrist performing a clinical laboratory test that does
6 not use an invasive modality as defined in section seventy-one hundred
7 one of the education law, pharmacist consistent with the limitations
8 established in subdivision (w) of section two hundred six of this chap-
9 ter, physician assistant, specialist assistant, nurse practitioner, or
10 midwife, who is licensed and registered with the state education depart-
11 ment.

12 § 2. Subdivision 1 of section 579 of the public health law, as amended
13 by chapter 376 of the laws of 2015, is amended to read as follows:

14 1. This title is applicable to all clinical laboratories and blood
15 banks operating within the state, except clinical laboratories and blood
16 banks operated by the federal government and clinical laboratories oper-
17 ated by a licensed physician, osteopath, dentist, midwife, nurse practi-
18 tioner, optometrist performing a clinical laboratory test that does not
19 use an invasive modality as defined in section seventy-one hundred one
20 of the education law, pharmacist consistent with the limitations estab-
21 lished in subdivision (w) of section two hundred six of this chapter, or
22 podiatrist who performs laboratory tests or procedures, personally or
23 through his or her employees, solely as an adjunct to the treatment of

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

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1 his or her own patients; to the extent authorized by federal and state
2 law, including the education law.

3 § 3. Section 6801 of the education law is amended by adding a new
4 subdivision 6 to read as follows:

5 6. A licensed pharmacist, may complete a "waived test", as defined in
6 subdivision five of section five hundred seventy-one of the public
7 health law.

8 § 4. Subdivision 1 of section 206 of the public health law is amended
9 by adding a new paragraph (w) to read as follows:

10 (w) establish a list of CLIA-waived tests that may be performed by
11 pharmacists licensed under article one hundred thirty-seven of the
12 education law. This list shall be established by the commissioner. In
13 connection with specific tests, the commissioner shall establish proto-
14 cols between health care practitioners and pharmacists, as appropriate
15 including, but not limited to establishing required communications from
16 pharmacists to healthcare practitioners regarding test results.

17 § 5. This act shall take effect immediately; provided, however, that
18 the amendments to section 6801 of the education law made by section
19 three of this act shall not affect the expiration of such section and
20 shall be deemed to expire therewith. Effective immediately the addi-
21 tion, amendment and/or repeal of any rule or regulation necessary for
22 the implementation of this act on its effective date are authorized to
23 be made and completed on or before such date.