STATE OF NEW YORK

2980--A

2021-2022 Regular Sessions

IN SENATE

January 26, 2021

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Alcoholism and Substance Abuse -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to direct the department of health, in cooperation with various state offices and agencies, to review, evaluate, and make recommendations concerning the prescribing and treatment history of persons in this state who suffered fatal and nonfatal opiate overdoses

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

Section 1. Review of the prescribing and treatment history of persons in this state who suffered fatal and nonfatal opiate overdoses. 1. Definitions. For the purposes of this section:

a. "Multiple provider episodes" shall mean a single patient having access to opiate prescriptions from more than one provider.

b. "Poly-substance access" shall mean a patient having simultaneous prescriptions for an opiate and a benzodiazepine or for an opiate and another drug which may enhance the effects or the risks of substance use disorder or overdose.

c. "Provider" shall include any individual practicing medicine as defined in section 6521 of the education law.

2. Review. The department of health, in cooperation with the department of corrections and community supervision, the office of addiction services and supports, and the office of mental health, shall conduct a review of the prescribing and treatment history, including court-ordered treatment or treatment within the criminal justice system, of persons in this state who suffered fatal or nonfatal opiate overdoses beginning in the calendar years 2011 to 2020 and yearly thereafter. Such review shall, with regard to such persons, conduct or provide for an examination of:

a. instances of multiple provider episodes;

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

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b. instances of poly-substance access;

c. the overall opiate prescription history of individuals, including whether such individuals had access to legal prescriptions for opiate drugs at the time of their overdoses;

d. whether individuals had previously undergone voluntary or involuntary treatment for substance addiction or behavioral health;

e. whether individuals had attempted to enter but were denied access to treatment for substance addiction or behavioral health;

f. whether individuals had received past treatment for a substance overdose; and

g. whether any individuals had been previously detained or incarcerated and, if so, whether such individuals had received treatment during such detention or incarceration.

3. Report. No later than one year after the effective date of this act, the department of health, in cooperation with the department of corrections and community supervision, the office of addiction services and supports, and the office of mental health, shall deliver a report in an aggregate and de-identified form on trends discovered through the review conducted pursuant to subdivision two of this section to the governor, the temporary president of the senate, and the speaker of the assembly. The reports for the calendar year 2020 shall be completed and delivered to the governor, the temporary president of the senate and the speaker of the assembly by December 31, 2021. For future calendar years, the report shall be completed and delivered to such persons on or before December 31 of the following year.

4. Powers. (a) The commissioner of health, the commissioner of the department of corrections and community supervision, the commissioner of the office of addiction services and supports and the commissioner of the office of mental health may be granted access to information, including, but not limited to death records, medical or treatment records, autopsy reports, toxicology reports, and any other information that will help the departments and offices under this section to properly carry out its functions, powers and duties. Such information obtained may not be used for law enforcement purposes.

(b) All other departments or agencies of the state or subdivisions thereof, and local governments shall, at the request of the commissioner of health, the commissioner of corrections and community supervision, the commissioner of the office of addiction services and supports, or the commissioner of the office of mental health, or at the request of the designee of any such commissioner, provide expertise, assistance, and/or data that is relevant or material to the completion of the review directed by subdivision two of this section and the report directed to be completed by subdivision three of this section.

5. Confidentiality. In publishing data under this act, the commissioner of health shall take all necessary steps to protect the privacy of individuals whose information is included in such data, including but not limited to, complying with privacy protections promulgated under the federal Health Insurance Portability and Account Act of 1996.

§ 2. This act shall take effect immediately.