STATE OF NEW YORK

6779

2023-2024 Regular Sessions

IN ASSEMBLY

May 8, 2023

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

AN ACT to amend the education law, in relation to the administration of certain medications by a pharmacist

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

Section 1. The opening paragraph and subparagraph 1 of paragraph b of subdivision 22 of section 6802 of the education law, as amended by chapter 5 of the laws of 2023, are amended to read as follows:

The injection of medications [~~into the deltoid muscle~~] for the treatment of mental health and substance use disorder, as prescribed or ordered by a licensed prescriber, acting within the scope of their practice in this state and in accordance with regulations promulgated by the commissioner, in consultation with the department of health and any other state agencies as necessary, provided that:

(1) Such administration is conducted pursuant to a valid prescription or order that authorizes a pharmacist to administer medications approved by the U.S. Food and Drug Administration for the treatment of mental health and substance use disorder [~~and the~~]**. The** pharmacist [~~notifies~~] **must notify** the licensed prescriber that the administration is complete **within five days and shall convey to the prescriber, by making an entry into an interoperable electronic medical records system, an electronic prescribing technology or a pharmacy record, or by using facsimile, electronic transmission or other electronic means. If an electronic means described in this paragraph is not available to the pharmacist at the time of communication, the pharmacist or pharmacist's designee may communicate the information by telephone. Notification is also required if a patient does not receive an administration**. Administration in a pharmacy may not commence until after the patient has received the initial injection and is considered eligible for maintenance treatment by the licensed prescriber.

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

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§ 2. Subdivision 8 of section 6801 of the education law, as added by chapter 802 of the laws of 2022, is amended to read as follows:

8. A licensed pharmacist within their lawful scope of practice may administer injectable medications [~~into the deltoid muscle~~], pursuant to section six thousand eight hundred two of this article, for the treatment of mental health and substance use disorder, as prescribed or ordered by a licensed prescriber, acting within their scope of practice in this state and in accordance with regulations, including but not limited to regulations promulgated by the commissioner in consultation with any other state agencies, as necessary.

§ 3. This act shall take effect on the same date and in the same manner as chapter 5 of the laws of 2023, takes effect. 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 date.