STATE OF NEW YORK

6779--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to the administration of certain medications by a pharmacist; and to amend chapter 802 of the laws of 2022 amending the education law relating to the definition of the practice of pharmacy, in relation to the effectiveness thereof

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

Section 1. The opening paragraph, subparagraph 1 and subparagraph 3 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 **patient-specific** prescription or **patient-specific** 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~~] **shall notify** the licensed prescriber that the administration is complete **within five days and shall convey such information 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 subparagraph is not available to the pharmacist at the time of communication, the pharmacist or pharmacist's designee may communicate**

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

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the information by telephone. Notification shall also be required if a patient does not receive an administration or if the patient experiences any side effects or adverse reactions to the medications. Administration in a pharmacy [~~may~~] **shall** not commence until after the patient has received the initial injection and is considered eligible for maintenance treatment by the licensed prescriber.

(3) Such activity is conducted in accordance with regulations, promulgated or adopted by the commissioner, in consultation with the department of health and any other state agencies, as necessary, which shall include requirements for the following:

(i) [~~Training accredited by the accreditation council for pharmacy education, that may include educational experiences obtained through pharmacy school curricula, or a similar health authority or professional body appropriate for the medications being administered and their respective patient populations. Such training must be satisfactory to the commissioner and the department of health, in consultation with the board of pharmacy and any other state agencies, as necessary, which shall include, but not be limited to learning modules on techniques for administration by injections, indications, precautions, and contraindications in the use of agent or agents; record keeping and information; and handling emergencies, including anaphylaxis, needle-sticks and cardiopulmonary resuscitation.~~

~~(ii)~~] Maintaining continued competency regarding the populations served and medications administered.

[~~(iii)~~] **(ii)** Pre-administration patient consent and education regarding common side effects, drug interactions, injection site reactions and other information routinely provided to patients upon dispensing. If a patient is unable to provide consent, the pharmacist must obtain consent from a person legally responsible when the recipient is incapable of consenting.

[~~(iv)~~] **(iii)** When administering an injection in a pharmacy, the pharmacist shall provide an area for the injection that provides for the patient's privacy.

[~~(v) Record keeping and reporting of such administration by electronic transmission or facsimile to the patient's licensed prescriber, and, to the extent practicable, make himself or herself available to discuss the outcome of such injection, including any adverse reactions, with the licensed prescriber acting within their scope of practice.~~

~~(vi)~~] **(iv)** Ensuring that only U.S. Food and Drug Administration approved medications are administered.

§ 2. Subdivisions 3 and 8 of section 6801 of the education law, subdivision 3 as added by chapter 563 of the laws of 2008, and subdivision 8 as added by chapter 802 of the laws of 2022, are amended to read as follows:

3. No pharmacist shall administer immunizing agents **or injectable medications for the treatment of mental health and substance use disorder** without receiving training satisfactory to the commissioner and the commissioner of health which shall include, but not be limited to, techniques for screening individuals and obtaining informed consent; techniques of administration; indications, precautions and contraindications in the use of agent or agents; record keeping of immunization and information; and handling emergencies, including anaphylaxis and needlesticks.

8. A licensed pharmacist within their lawful scope of practice may administer injectable medications [~~into the deltoid muscle~~] **and medications required for emergency treatment of anaphylaxis related to such**

administration, 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. Section 3 of chapter 802 of the laws of 2022 amending the education law relating to the definition of the practice of pharmacy, is amended to read as follows:

§ 3. This act shall take effect [~~one year after it shall have become a law~~] **April 1, 2024**. 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 by the commissioner of education on or before such date.

§ 4. This act shall take effect immediately; provided however, that the amendments to sections 6801 and 6802 of the education law made by sections one and two of this act shall take effect on the same date and in the same manner as chapter 802 of the laws of 2022, 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.