STATE OF NEW YORK

3467

2023-2024 Regular Sessions

IN SENATE

January 31, 2023

Introduced by Sens. RIVERA, ADDABBO, GOUNARDES, KRUEGER, SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Health

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:

Section 1. Subdivision 6 of section 571 of the public health law, as amended by section 1 of part C of chapter 57 of the laws of 2022, is amended to read as follows:

6. "Qualified health care professional" means a physician, dentist, podiatrist, optometrist performing a clinical laboratory test that does not use an invasive modality as defined in section seventy-one hundred one of the education law, pharmacist administering COVID-19 and influenza tests pursuant to subdivision seven of section sixty-eight hundred one of the education law, **pharmacist consistent with the limitations established in subdivision (w) of section two hundred six of this chapter,** physician assistant, specialist assistant, nurse practitioner, or midwife, who is licensed and registered with the state education department.

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

6. "Qualified health care professional" means a physician, dentist, podiatrist, optometrist performing a clinical laboratory test that does not use an invasive modality as defined in section seventy-one hundred one of the education law, **pharmacist consistent with the limitations established in subdivision (w) of section two hundred six of this chapter,** physician assistant, specialist assistant, nurse practitioner, or

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

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midwife, who is licensed and registered with the state education department.

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

1. This title is applicable to all clinical laboratories and blood banks operating within the state, except clinical laboratories and blood banks operated by the federal government and clinical laboratories operated by a licensed physician, osteopath, dentist, midwife, nurse practitioner, optometrist performing a clinical laboratory test that does not use an invasive modality as defined in section seventy-one hundred one of the education law**, pharmacist consistent with the limitations established in subdivision (w) of section two hundred six of this chapter,** or podiatrist who performs laboratory tests or procedures, personally or through his or her employees, solely as an adjunct to the treatment of his or her own patients; to the extent authorized by federal and state law, including the education law.

§ 3. Section 6801 of the education law is amended by adding a new subdivision 9 to read as follows:

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

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

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

§ 5. This act shall take effect immediately; provided, however, that the amendments to subdivision 6 of section 571 of the public health law made by section one of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 8 of part C of chapter 57 of the laws of 2022, when upon such date the provisions of section one-a of this act shall take 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.