

STATE OF NEW YORK

853

2023-2024 Regular Sessions

IN SENATE

January 6, 2023

Introduced by Sen. BRESLIN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the education law, in relation to medications approved by the U.S. Food and Drug Administration and administered by pharmacists

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

1 Section 1. Paragraph b of subdivision 22 of section 6802 of the educa-
2 tion law, as added by a chapter of the laws of 2022 amending the educa-
3 tion law relating to the definition of the practice of pharmacy, as
4 proposed in legislative bills numbers S. 4870-B and A. 3040-B, is
5 amended to read as follows:

6 b. The injection of medications into the deltoid muscle for the treat-
7 ment of mental health and substance use disorder, as prescribed or
8 ordered by a licensed prescriber, acting within the scope of their prac-
9 tice in this state and in accordance with regulations promulgated by the
10 commissioner [~~and~~], in consultation with the department of health [~~in~~
11 ~~consultation with~~] and any other state agencies as necessary, [~~but not~~
12 ~~be limited to, providing~~] provided that:

13 (1) Such administration is conducted pursuant to a valid prescription
14 or order that authorizes a pharmacist to administer medications approved
15 by the U.S. Food and Drug Administration for the treatment of mental
16 health and substance use disorder and the pharmacist notifies the
17 licensed prescriber that the administration is complete. Administration
18 in a pharmacy may not commence until after the patient has received the
19 initial injection and is considered eligible for maintenance treatment
20 by the licensed prescriber.

21 (2) Such prescription may be subject to reassessment at appropriate
22 intervals, as determined by the licensed prescriber.

23 (3) Such activity is conducted in accordance with regulations, promul-
24 gated or adopted by the commissioner [~~and~~], in consultation with the

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

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1 department of health[~~, in consultation with~~ **and** any other state agen-
2 cies, as necessary, which shall include requirements for the following:

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

15 (ii) Maintaining continued competency regarding the populations served
16 and medications administered.

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

23 (iv) When administering an injection in a pharmacy, the pharmacist
24 shall provide an area for the injection that provides for the patient's
25 privacy.

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

31 **(vi) Ensuring that only U.S. Food and Drug Administration approved**
32 **medications are administered.**

33 § 2. This act shall take effect on the same date and in the same
34 manner as a chapter of the laws of 2022 amending the education law
35 relating to the definition of the practice of pharmacy, as proposed in
36 legislative bills numbers S. 4870-B and A. 3040-B, takes effect.