STATE OF NEW YORK

7839

2023-2024 Regular Sessions

IN SENATE

December 27, 2023

Introduced by Sen. RIVERA -- 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 the definition of practice of pharmacy; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Section 6801 of the education law is amended by adding a new subdivision 7-a to read as follows:

7-a. (a) A licensed pharmacist may initiate treatment for COVID-19, influenza, and pharyngitis resulting from a Group A streptococcal infection upon a positive test result conducted pursuant to subdivision seven of this section. Such treatment shall be provided pursuant to a statewide protocol developed by the department of health. Such protocol shall address issues including but not limited to patient safety, record keeping, referral for treatment and continuity of care, case reporting to the patient's primary care or other health care providers. The protocol shall also include procedures for appropriate referrals for any patient that requires additional treatment or experiences an adverse reaction to the treatment authorized pursuant to this subdivision.

(b) A pharmacist initiating treatment under this protocol shall at a minimum: (i) inquire of each patient whether he or she has a primary care provider or other health care provider that the patient regularly sees; and (ii) maintain and regularly update a list of local primary care providers including those located in the applicable zip code area and adjacent zip code areas of the pharmacy. This list shall be provided to each patient who indicates that he or she does not have a primary care provider.

(c) The department of health shall produce, maintain, and periodically update a list of primary care providers on its website, in searchable form that shall include relevant zip codes of the providers. The list

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

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developed by the department of health shall identify preferred providers who have achieved recognition as a patient centered medical home (PCMH) or other similar designation and a description of what such designation means. The list shall include federally qualified health centers and other providers who serve Medicaid, low-income and uninsured patients, and people with disabilities and shall identify cultural and linguistic capabilities when available.

(d) A pharmacist shall retain a record of the test result and treatment as part of the patient record and shall at a minimum provide a report of the test result and treatment to the patient's designated physician, physician's assistant or nurse practitioner, unless otherwise directed by the patient.

§ 2. This act shall take effect immediately and shall expire and be deemed repealed April 1, 2026.