

A6779-A McDonald Same as S 6337-A BRESLIN

Text Versions: A 6779-A, A 6779

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Education Law

TITLE....Relates to the administration of certain medications by a pharmacist

Currently on Assembly Committee Agenda

Higher Education (FAHY)

11:30 AM, Tuesday, May 23, 2023

Room 715 LOB

05/08/23 referred to higher education

05/19/23 amend (t) and recommit to higher education

05/19/23 print number 6779a

MCDONALD

Amd ~~§~~~~§~~6802 & 6801, Ed L; amd ~~§~~3, Chap 802 of 2022

Relates to the administration of certain medications by a pharmacist; requires the administering pharmacist to notify the prescribing physician of the administration of the medication.

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
Commit-
tee on Higher Education -- committee discharged, bill amended,
ordered
reprinted as amended and recommitted to said committee

of 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
Assem- bly, do enact as follows:

1 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:

5 The injection of medications [~~into the deltoid muscle~~] for the
treat- ment of mental health and substance use disorder, as prescribed
or ordered by a licensed prescriber, acting within the scope of their
prac- tice 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:

11 (1) Such administration is conducted pursuant to a valid patient-
spe- cific prescription or patient-specific order that authorizes a
pharma- cist to administer medications approved by the U.S. Food and Drug
Admin- istration for the treatment of mental health and substance use
disorder
15 [~~and the~~]. The pharmacist [~~notifies~~] shall notify the licensed
prescri- ber that the administration is complete within five days and
shall
17 convey such information to the prescriber by making an entry into
an
18 interoperable electronic medical records system, an electronic
prescrib-
19 ing technology or a pharmacy record, or by using facsimile,
electronic
20 transmission or other electronic means. If an electronic means
described
21 in this subparagraph is not available to the pharmacist at the time
of
22 communication, the pharmacist or pharmacist's designee may
communicate

EXPLANATION--Matter in italics (underscored) is new; matter in
brackets

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1 the information by telephone. Notification shall also be required
if a
2 patient does not receive an administration or if the patient
experiences
3 any side effects or adverse reactions to the medications.

Administration

4 in a pharmacy [may] shall not commence until after the patient
has
5 received the initial injection and is considered eligible for
mainte-
6 nance treatment by the licensed prescriber.

7 (3) Such activity is conducted in accordance with regulations,
promul-
8 gated or adopted by the commissioner, in consultation with the
depart-
9 ment of health and any other state agencies, as necessary, which
shall

10 include requirements for the following:

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

23 ~~(ii)]~~ Maintaining continued competency regarding the
populations

24 served and medications administered.

25 ~~[(iii)]~~ (ii) Pre-administration patient consent and education
regard-
26 ing common side effects, drug interactions, injection site reactions
and
27 other information routinely provided to patients upon dispensing.

If a

28 patient is unable to provide consent, the pharmacist must obtain
consent

29 from a person legally responsible when the recipient is incapable
of
30 consenting.
31 [~~(iv)~~] (iii) When administering an injection in a pharmacy, the
phar-
32 macist shall provide an area for the injection that provides for
the
33 patient's privacy.
34 [~~(v)~~ ~~Record keeping and reporting of such administration by~~
~~electronic~~
35 ~~transmission or facsimile to the patient's licensed prescriber, and,~~
to
36 ~~the extent practicable, make himself or herself available to discuss~~
the
37 ~~outcome of such injection, including any adverse reactions, with~~
the
38 ~~licensed prescriber acting within their scope of practice.~~
39 ~~(vi)~~] (iv) Ensuring that only U.S. Food and Drug
Administration
40 approved medications are administered.
41 § 2. Subdivisions 3 and 8 of section 6801 of the education law,
subdi-
42 vision 3 as added by chapter 563 of the laws of 2008, and subdivision
8
43 as added by chapter 802 of the laws of 2022, are amended to read
as
44 follows:
45 3. No pharmacist shall administer immunizing agents or
injectable
46 medications for the treatment of mental health and substance use
disor-
47 der without receiving training satisfactory to the commissioner and
the
48 commissioner of health which shall include, but not be limited to,
tech-
49 niques for screening individuals and obtaining informed consent;
tech-
50 niques of administration; indications, precautions and
contraindications
51 in the use of agent or agents; record keeping of immunization and
infor-
52 mation; and handling emergencies, including anaphylaxis and
needles-
53 ticks.
54 8. A licensed pharmacist within their lawful scope of practice
may
55 administer injectable medications [~~into the deltoid muscle~~] and
medica-
56 tions required for emergency treatment of anaphylaxis related to
such

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1 administration, pursuant to section six thousand eight hundred two
of
2 this article, for the treatment of mental health and substance
use

3 disorder, as prescribed or ordered by a licensed prescriber,
acting
4 within their scope of practice in this state and in accordance
with
5 regulations, including but not limited to regulations promulgated by
the
6 commissioner in consultation with any other state agencies, as
neces-
7 sary.

8 § 3. Section 3 of chapter 802 of the laws of 2022 amending the
educa-
9 tion law relating to the definition of the practice of pharmacy,
is
10 amended to read as follows:

11 § 3. This act shall take effect [~~one year after it shall have~~
~~become a~~

12 ~~law~~] April 1, 2024. Effective immediately, the addition,
amendment

13 and/or repeal of any rule or regulation necessary for the
implementation

14 of this act on its effective date are authorized to be made
and

15 completed by the commissioner of education on or before such date.

16 § 4. This act shall take effect immediately; provided however,
that

17 the amendments to sections 6801 and 6802 of the education law made
by

18 sections one and two of this act shall take effect on the same date
and

19 in the same manner as chapter 802 of the laws of 2022, takes
effect.

20 Effective immediately, the addition, amendment and/or repeal of any
rule

21 or regulation necessary for the implementation of this act on its
effec-

22 tive date are authorized to be made and completed on or before
such

23 date.