

MEMORANDUM

A.6182 (Dinowitz)/S.4888 (Scarcella-Spanton)

AN ACT to amend the education law, in relation to the automated storage and dispensing of controlled substances using an automated dispensing device

LeadingAge New York supports this legislation, which would permit the automated storage and dispensing of controlled substances using an automated dispensing device (ADD) at licensed nursing homes, residential health care facilities and hospices. ADDs dispense pre-packaged single doses of drugs, similar to computerized vending machines. For safety reasons, each medication is stored in an individual drawer, and then unlocked by designated personnel one drawer at a time.

Since 2005, the federal Drug Enforcement Administration (DEA) has allowed pharmacies to install automated dispensing systems at long-term care facilities, and DEA permits usage of these devices to dispense medications in both emergency and nonemergency situations. However, according to the most current guidance from the Department of Health (DOH), ADDs may be used only for emergency medication kits and may not be used for continuous dosing in nursing homes [see: [Guidelines for Registered Community Pharmacy \(Retail Pharmacy\) Operation of Automated Dispensing Systems in Residential Health Care Facilities](#), March 2023].

ADDs are widely utilized in hospitals, and many other states such as Massachusetts have authorized their use in nursing homes, long term care facilities and hospices for emergency and continuous dosing, relying on evidence-based best practices. DOH's recent guidance acknowledges that ADDs operated in nursing homes: (1) significantly benefit patient care through timely and efficient dispensing of prescriptions for controlled substances; (2) may reduce the cost of medications remaining from wastage due to discontinued drug therapy while simultaneously decreasing the amount of controlled substances susceptible to diversion; and (3) can also improve overall recordkeeping and security of controlled substances.

ADDs strike a balance among security, accessibility, and inventory control of medications, which are all recognized as important characteristics of safe medication distribution systems. These systems improve patient care, enhance the efficiency and accuracy of medication dispensing, support secure medication storage, and provide evaluation of ADD-user interactions. Expanding their use in these care settings to continuous dosing applications will expand these benefits. LeadingAge New York suggests that consideration be given to affording prescribers (i.e., physicians and mid-level providers) access to ADDs under proposed Education Law § 6809 (5) to address emergencies and other situations as warranted.

For these reasons, LeadingAge NY supports A.6182 (Dinowitz)/S.4888 (Scarcella-Spanton) and urges that it be adopted.

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